By Mr. SULZER: Petition of citizens of the State of Ohio, for enactment of House bill 14; to the Committee on the Post Office and Post Roads.

Also, petitions of the Chamber of Commerce and Manufacturers' Club of Buffalo, N. Y., and Merchants' Exchange of St. Louis, Mo., relative to International Congress of Chambers of Commerce; to the Committee on Foreign Affairs.

Also, memorial of committee of wholesale grocers, relative to sugar; to the Committee on Ways and Means.

Also, petition of Russian Caviar Co., of New York, for a specific duty of 15 cents per pound on caviar; to the Committee on Ways and Means.

Also, petition of National Guard Association of the United States, in favor of House bill 8141; to the Committee on Military Affairs.

Also, petition of Camp No. 59, United Spanish War Veterans, for enactment of House bill 17470; to the Committee on Pensions.

Also, petition of the International Dry-Farming Congress, for agricultural extension work; to the Committee on Agriculture.

Also, petition of the National Vigilance Committee, for enforcement of the white-slave traffic act; to the Committee on the Judiciary.

By Mr. THAYER: Petitions of members of Improved Order of Red Men, of third congressional district of Massachusetts, for an American Indian memorial and museum building in the city of Washington, D. C.; to the Committee on Public Buildings and Grounds.

Also, petitions of residents of Worcester, Mass., for passage of Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary.

By Mr. TILSON: Petition of citizens of New London, Conn., for passage of House bills 16802 and 18244; to the Committee on Indian Affairs.

By Mr. UTTER: Memorial of Retail Grocers and Manufacturers' Association of Providence, R. I., indorsing Sulzer bill to establish a standard for packages and grades of apples; to the Committee on Coinage, Weights, and Measures.

Also, petition of Audubon Society of Rhode Island, for legislation protecting migratory wild fowl in the United States; to the Committee on Agriculture.

Also, petition of Department of Rhode Island Spanish War Veterans, for enactment of House bill 17470; to the Committee on Pensions.

By Mr. WHITE: Petition of citizens of Zanesville, Ohio, for passage of Berger old-age pension bill; to the Committee on Pensions.

By Mr. WILSON of New York: Petition of the Association of Army Nurses of the Civil War, favoring pensions for volunteer nurses of the Civil War; to the Committee on Invalid Pensions.

Also, petitions of East New York Volksverein, of Brooklyn, and St. Joseph's Men's Society, of East New York, relative to Catholic Indian missions; to the Committee on Indian Affairs.

Also, petition of Franklin Union, No. 23, International Printing Pressmen and Assistants' Union of North America, protesting against the Smoot printing bill; to the Committee on Printing.

Also, petition of Fancy Leather Goods Manufacturing Association of New York, favoring the passage of the Booher bill (H. R. 5601); to the Committee on Interstate and Foreign Commerce.

By Mr. WILSON of Pennsylvania: Petition of the Woman's Christian Temperance Union of Lawrenceville, Pa., for passage of Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary.

Also, petitions of labor unions of San Juan, P. I., asking that United States citizenship be granted citizens of Porto Rico; to the Committee on Insular Affairs.

Also, petition of National Anti-Injunction League, for enactment of Wilson bill (H. R. 11032); to the Committee on the Judiciary.

Also, petition of Federal Labor Union No. 13134, of Caguas, P. R., for creation in the island of Porto Rico of a department of labor; to the Committee on Labor.

Also, petition of Jersey Shore (Pa.) Division of Railway Conductors, for repeal of tax on oleomargarine; to the Committee on Agriculture.

Also, petition of merchants of Lycoming, Tioga, Potter, and Clinton Counties, Pa., asking that the duties on raw and refined sugars be reduced; to the Committee on Ways and Means.

Also, petition of the Woman's Christian Temperance Union of Lycoming County, Pa., protesting against repeal of the anti-canteen law; to the Committee on Military Affairs.

SENATE.

THURSDAY, *March 7, 1912.*

(Continuation of legislative day of Tuesday, March 5, 1912.)

The Senate met as in open executive session after the expiration of the recess, at 12 o'clock meridian, Thursday, March 7, 1912.

GENERAL ARBITRATION TREATIES.

The Senate resumed the consideration of the treaties of arbitration between Great Britain and France and the United States.

Mr. ROOT. Mr. President——

Mr. LODGE. If the Senator from New York will yield to me for a moment, I made a little correction the other day on something I stated in my speech of Thursday last in regard to the postal conventions.

My attention had been called to the treaty with Great Britain, the Palmerston-Bancroft treaty, and I thought it constituted an exception. I had not examined the treaty as I should have done. I have since examined it, and I find it stands on precisely the same ground as the treaty with New Granada of 1844 and the treaty with Mexico of 1861, the Corwin treaty, which provides a transit through foreign territory of closed mails, which, of course, makes the action of the treaty making power absolutely essential.

Mr. President, I make the point of no quorum.

The VICE PRESIDENT. The Senator from Massachusetts suggests the absence of a quorum. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Bacon	Cullom	Lodge	Pomerene
Borah	Cummins	Lorimer	Richardson
Bourne	Curtis	McCumber	Root
Bradley	Dillingham	McLean	Shively
Briggs	du Pont	Martin, Va.	Smith, Ga.
Bristow	Foster	Martine, N. J.	Smith, Mich.
Brown	Gallinger	Myers	Smith, S. C.
Burnham	Gardner	Nelson	Smoot
Burton	Guggenheim	Newlands	Stephenson
Chamberlain	Hitchcock	Nixon	Swanson
Chilton	Johnson, Me.	O'Gorman	Thornton
Clapp	Johnston, Ala.	Oliver	Tillman
Clark, Wyo.	Kenyon	Overman	Townsend
Clarke, Ark.	Kern	Page	Watson
Crawford	Lea	Percy	Wetmore
Culberson	Lippitt	Perkins	Williams

The VICE PRESIDENT. Sixty-four Senators have answered to the roll call. A quorum of the Senate is present.

Mr. BACON. Before the Senator from New York proceeds, I ask leave to submit two amendments in order that they may be printed immediately, so that we may have them before us when the time for voting arrives.

The VICE PRESIDENT. The Senator from Georgia presents certain amendments which will be printed and lie on the table.

Mr. SWANSON. Mr. President——

Mr. ROOT. I yield to the Senator from Virginia.

Mr. SWANSON. I wish to introduce a bill by unanimous consent.

The VICE PRESIDENT. Bills can not be received under the unanimous-consent agreement. The Senator from New York will proceed.

Mr. ROOT. Mr. President, when the Senate took a recess on the last calendar day I was about to spread upon the records of the Senate certain statements made by the Secretary of State, Mr. Knox, in respect of these pending treaties and contained in Senate Document No. 298, Sixty-second Congress, second session, that document being a reprint of an address upon "The pending arbitration treaties," made by Secretary Knox before the American Society of Judicial Settlement of International Disputes at Cincinnati, Ohio, on the 8th of November, 1911.

I wish to leave no question whatever as to the fact that these statements by the Secretary of State constitute a part of the matter under consideration by the Senate when it consents to the ratification of these treaties, as I hope it will. The speech of Secretary Knox was an open, public, formal, and solemn declaration contemporaneous with the discussion of the treaties by the negotiator of them in behalf of the United States. The speech has been sent, I understand, to all the Members of the Senate. It was published widely in the public press. It has been presented formally to the Senate by the Senator from Texas [Mr. BAILEY] and has been printed as a public document. It has, of course, we are at liberty to assume, come to the knowledge of the representatives of Great Britain and France, the other parties to the treaties, and we are entitled to consider it as a part of the subject matter upon which we are to make

up our minds whether these treaties ought or ought not to be ratified.

I will ask, Mr. President, that the Secretary read the portion of the speech beginning on page 9 and marked in the margin of the document which I send to the desk.

The VICE PRESIDENT. Without objection, the Secretary will read as requested.

The Secretary read as follows:

The report of the Senate Committee on Foreign Relations cites as illustrative of questions which could not be arbitrated the Monroe doctrine, the exclusion of immigrants, and our territorial integrity. All these are questions of internal or external policy, and are merely typical of many questions which, as the report says, "no nation on earth would think of raising with the United States." And this suggests that no discussion of the treaties must overlook the fact that they have been negotiated and will be binding between self-respecting nations who obviously will act in good faith and in accordance with their own self-interests, which may be almost as quickly compromised by invoking an erroneous or dangerous principle against a foreign power as by having the principle invoked against them.

Now, whatever the doctrine of theorists may be, the practice and custom of nations through centuries of development have been that a nation adopts and, if able so to do, carries out those measures of self-preservation which it regards as essential to its existence. So far as any law exists on this point, it is to the effect that nations must be permitted to exercise such right uncontrolled save by physical force of a stronger power. As one writer has put it:

"No nation has a right to prescribe to another what these means (of self-preservation) shall be or require any account of her conduct in this respect—

Or, as the majority report puts it—

"There are certain questions which no nation, if it expects to retain its existence as a nation, will ever submit to the decision of anyone else * * * (and) which it is admitted no nation could submit to an outside judgment without abandoning its sovereignty and independence."

The illustrations presented by the majority report are preeminently questions falling within these rules. The maintenance of the Monroe doctrine is considered by us essential to our peace, prosperity, and national safety. Other nations know we so regard it. The doctrine does not need to be founded upon a technical legal right of international law, for it is a matter of grave, far-reaching, and, to us, vitally important policy. A nation putting itself in the attitude toward the United States of deliberately violating the Monroe doctrine could not expect to find in the treaty terms protection against the consequences of such an act. The doctrine has been respected, and is now respected, and it will continue to be respected, so long as we seem reasonably able to uphold it. It does not depend upon technical legal right, but upon policy and power. Therefore, it is not, and no reasonable man or set of men would claim it to be, a justiciable question any more than they would hold that the question of the European balance of power is justiciable. It is not to be thought that any power would suggest either question as a proper subject for arbitration in the future, as no power has sought to do so in the past.

Of a strictly like character is the right to exclude immigrants, save that every recognized tenet of international law would be against any proposal by any nation which should question the legitimate exercise of this right. In no more direct way can a nation's existence be threatened than by introducing among its citizens or subjects non-assimilable peoples. This is true not only of those classes dangerous to the political life of a nation, but of those classes inimical to its social and economic welfare and development. You touch here the very vitals of organized society and government, which it is recognized a nation may protect at all hazards and at all costs, as the exclusion of peoples is a purely defensive measure.

And so of the question of territorial integrity, for a living nation must have a place to live in. You can not take a nation's home without destroying the nation; hence the all-commanding principle of self-preservation requires the defense of the home, a principle recognized by all law. Save as to boundary disputes, which ever since the Nation was born we have submitted to arbitration, it is not to be presumed that either of the other contracting powers would any more ask us to arbitrate, as between ourselves and them, our title to lands occupied by us than we would ask them to arbitrate their title, as between ourselves and them, to their respective possessions.

It is inconceivable that under treaties which obligate us to arbitrate justiciable differences involving the rights of other nations against us in respect to international matters of common concern any such questions should be seriously projected for arbitration as have been suggested, and it is scarcely worth while to speculate upon the reception such a proposition would encounter.

Mr. ROOT. Mr. President, I ask that the Secretary read the paragraphs upon page 8 of the document which are marked in pencil upon the margin.

The Secretary read as follows:

The Constitution of the United States makes the Senate a part of the treaty-making power, and no treaty between the United States and a foreign country is valid without its approval. In Great Britain the treaty-making power rests in the Crown, but, as a matter of domestic policy, Great Britain does not make important treaties affecting the interests of her self-governing colonies without their approval. In France certain classes of treaties are subject to legislative approval.

Therefore, although in the pending treaties the executive branches of the Governments concerned agree to be bound by the decision of the commission as to the arbitrability of a question upon which the executive branches do not agree, this decision is subject to the approval of the self-governing colonies of Great Britain, if the question affects them, and to the approval of the Senate of the United States, and, in certain cases, the Senate and Chamber of Deputies of France, to whom the right of approval is expressly reserved in each case.

Every agreement to arbitrate must go to the Senate for its approval. There can be no arbitration without its approval. An agreement to arbitrate goes to the Senate for its approval either because the executive branches of the two countries concerned in the difference agree that the difference is one for arbitration or because, failing so to agree, the commission of inquiry report that it is such a difference.

How can the Senate's power over the agreement be less if it goes to the Senate after the commission's report that it presents an arbitrable question than if it had gone there because of the opinion of the executive branches of both Governments to the same effect?

If the two Governments agree that the difference is arbitrable they make an agreement to arbitrate it, and it is sent to the Senate for its approval. If the two Governments can not agree that the difference is arbitrable that ends the matter until the commission reports, and if its report is that the difference is arbitrable an agreement is made to arbitrate it, and the agreement is sent to the Senate for approval just as if no such question had been raised, and the Senate deals with it with unimpaired powers.

Mr. ROOT. Mr. President, these statements by the Secretary of State are competent for our consideration now and will at all times be competent for the construction of the treaties that are before us, in case of their ratification. I mean they will be competent in determining the true construction of those treaties, whatever question may arise under them and whenever it may arise; for the rules which obtain in international intercourse, both in diplomatic discussion and in the trial and decision of questions submitted to arbitration, are much more liberal than are the rules which we apply in court to aid in the construction of statutes and contracts. Where we, under our municipal law, might confine a court to considerations to be found within the four quarters of an instrument, it is and always has been universally accepted in the discussion of international questions that for the construction of a treaty every declaration that has been made before or is made at the time of the making of the treaty, all the correspondence, all the negotiations, and all the expressions of opinion on the part of the representatives of both countries are to be considered. When these treaties have been ratified there can never come a time, there can never arise a situation, calling for the construction of these treaties when these declarations by the American Secretary of State will not be laid by the side of the text to determine what is the scope and effect of the stipulations contained in the instrument.

Mr. BORAH. Mr. President——

The VICE PRESIDENT. Does the Senator from New York yield to the Senator from Idaho?

Mr. ROOT. Certainly.

Mr. BORAH. As I understand, the Senator from New York has had these statements put in the record to assist those who may be called upon to construe the treaty in the future, and that their strength arises out of the fact that they are the declarations of one who assisted in negotiating the treaty. If that is a correct rule—and I think unquestionably it is—the record ought to be made complete by having the expression of the views of the Executive himself in the record upon this particular section of the treaty; and, if it will not interrupt the Senator, I——

Mr. ROOT. I will state to the Senator that it will interrupt me for him to read anything else into my speech.

Mr. BORAH. Very well; I will defer it to some other time. I was of the opinion that perhaps it would assist in the matter of construction if the views of the Chief Executive at the time of negotiating the treaty were known.

Mr. ROOT. It would throw no light upon it whatever. The Secretary of State has made this authoritative statement; and upon that statement I propose to stand, and upon that statement the Senate is entitled to stand.

Mr. BACON. Mr. President, will the Senator permit me to interrupt him?

Mr. ROOT. I will.

Mr. BACON. In order that we may know the exact attitude of the Senator from New York, I should like to ask him the question, If it be true that the President of the United States in a public address has taken distinctly the opposite position in regard to this matter, whether that fact would not also be accepted hereafter as a guide for construction?

Mr. ROOT. That unquestionably would be competent evidence as to the construction of the treaties.

Mr. BACON. If the Senator will permit it, the expression of the President to that effect will be produced and entered in the record right in connection with the expression of the Secretary of State.

Mr. ROOT. But, Mr. President, I propose, and my object in putting his expressions into the record is, to have the Senate plant itself upon the view expressed by the Secretary of State, and give its advice in accordance with that view, and when that has been done, the view enters into the making of the treaty itself.

Mr. BORAH. Mr. President——

The VICE PRESIDENT. Does the Senator from New York yield further to the Senator from Idaho?

Mr. ROOT. Certainly.

Mr. BORAH. Does the Senator contend that the view of the Secretary of State would be more potent and more influential

and more controlling in the construction of this treaty than the view of the President of the United States?

Mr. ROOT. I contend nothing about anything which I have never seen. I simply decline to permit the Senator from Idaho to interject a speech along his line of thought into the speech which I am endeavoring to make along my line of thought, and to introduce evidence—I know not what—into the evidence that I am producing to the Senate. When I have concluded of course the Senator from Idaho will have free scope for the introduction of anything that he wishes.

Mr. BORAH. Mr. President——

The VICE PRESIDENT. Does the Senator from New York yield further?

Mr. ROOT. I do.

Mr. BORAH. I would not have interrupted the Senator from New York if it had not been stated by the Senator that he was putting into the record a rule of construction by which those would be guided who would be called upon to deal with this treaty hereafter. The Senator from New York is as familiar as I am with the fact that the rule would be worthless if all the facts concerning that subject matter were not before the parties who are dealing with the treaty, and before they would ask what were the views of the Secretary of State they would inquire what were the views of the head of the executive department. At least his views under the rule the Senator invokes are of considerable importance.

Mr. ROOT. I can not agree with the statement made by the Senator from Idaho, but I shall not enter into a discussion of the matter. The obligation to exhaust all expressions of opinion in a discussion in the Senate is one that I can not for a moment recognize. What I know is this, that we have here printed by the Senate a public document containing the authoritative statement of the Secretary of State, who negotiated and who signed these treaties, as to what his meaning was, and I am endeavoring to leave no doubt about the Senate having under consideration that authentic statement by the signer of this instrument. If anybody else has any other matter to produce, he may do so when I get through.

Now, sir, let me address myself for a few moments to the relevancy of the first extract from the speech of the Secretary of State. The treaty with which we are dealing provides:

All differences hereafter arising between the high contracting parties, which it has not been possible to adjust by diplomacy, relating to international matters in which the high contracting parties are concerned by virtue of a claim of right made by one against the other under treaty or otherwise, and which are justiciable in their nature by reason of being susceptible of decision by the application of the principles of law or equity, shall be submitted to the permanent court of arbitration established at The Hague—

And so forth.

That is the statement of what it is that we agree to submit to arbitration. The essential feature, the pivotal feature, of the definition of what we agree to submit to arbitration is to be found in the word "justiciable." We are to submit "justiciable controversies." They are to be "claims of right," which, I take it, should be discriminated from claims for consideration, for courtesy, for compassion, for grace, for favor, for good-fellowship, for comity. They are to be claims of something that a man says he has a right to. They are to be justiciable claims.

Mr. President, that definition of what we are willing to arbitrate takes the place of the provision in the existing treaty to the effect that we will arbitrate, with certain exceptions—

Differences which may arise of a legal nature or relating to the interpretation of treaties existing between the two contracting parties and which it may not have been possible to settle by diplomacy.

I am inclined to think that the selection of the word "justiciable" to describe the kind of controversies that we are willing to say beforehand we will submit to arbitration is a happy choice of words. It is not new. In this country we have become quite familiar with it. It has a meaning, and it has about the right meaning for the definition of controversies that we will submit to arbitration.

Only last month the Supreme Court of the United States had occasion to announce its decision upon a very great and important cause by using this very expression. In the case of the Pacific States Telephone & Telegraph Co. against the State of Oregon, decided on the 19th of February of the present year, the question was raised as to whether the State of Oregon, in including in its system of government provisions for the initiative and referendum, was still maintaining that republican form of government which the Constitution requires the United States to guarantee to the citizens of the States. The question was argued at length, but the Supreme Court held that they could not decide that question because it was not a "justiciable" question. The Chief Justice, writing the opinion, said it is a "political" and not a "justiciable" question.

It is indeed—

He says—

a singular misconception of the nature and character of our constitutional system of government to suggest that the settled distinction which the doctrine just stated points out between judicial authority over justiciable controversies and legislative power as to purely political questions tends to destroy the duty of the judiciary in proper cases to enforce the Constitution.

Then he describes certain justiciable questions. He says:

It (the plaintiff) does not assert that it was denied an opportunity to be heard as to the amount for which it was taxed, or that there was anything inhering in the tax or involved intrinsically in the law which violated any of its constitutional rights. If such questions had been raised they would have been justiciable, and therefore would have required the calling into operation of judicial power. Instead, however, of doing any of these things the attack on the statute here made is of a wholly different character. Its essentially political nature is at once made manifest, etc.

Now, Mr. President, this treaty in the form in which it has been cast appeals to the long practice and the settled habits of our people in the discrimination between what is properly subject to the determination of a court of justice and what is not properly subject to it. The distinction rests in the nature of things. Many very good people do great harm to the progress of peace, to the progress of the tendency of mankind to get away from stupid, foolish, brutal ways of settling their differences, and to adopt sensible ways of settling them, by refusing to recognize the realities of life and by refusing to realize the distinction that exists in the nature of things between those questions that can be submitted to the determination of another and those questions that every man and every nation must decide for themselves.

If a man undertakes to leave to somebody else the question what church he shall attend, what books he shall read, what amusements he shall seek, what occupation he shall embrace, whom he shall marry, how he shall rear his children, whom he shall associate with, he loses his personal liberty; he is at the beck and call and domination of another, and is no longer a free man; and no man who is a free man can submit questions as to personal conduct to the determination of others. They are not justiciable. So it is with a nation. Questions of national policy, questions that involve the preservation of national independence, questions that involve the nation's having a place in which to live, can not be submitted to the decision of anybody else, or the nation has lost its independence.

This line of justiciability, taken by analogy from the long practice of our race, which submits to the courts of justice the determination of those questions that depend upon the ascertainment of facts and the application of the rules of law and yet to preserve the freedom of the citizen—I say the selection of this word taken by analogy from our long and established practice in submitting justiciable questions to courts of justice and preserving personal questions for personal decision, seems to me to be a very happy expedient for a forward step along the pathway that we all desire, which shall in international affairs lead to the same happy self-respect, self-restraint, and submission to just judgment in controversy that we now have in our municipal relations.

There is one other expression which is added to the word "justiciable" for the purpose of making it more definite.

Mr. CULBERSON. Mr. President——

The VICE PRESIDENT. Does the Senator from New York yield to the Senator from Texas?

Mr. ROOT. Certainly.

Mr. CULBERSON. The Senator from New York has very clearly pointed out the difference between the subjects which are submitted for arbitration under the existing treaty and under the proposed treaty. He has also referred to certain exceptions which are in article 1 of the existing treaty of 1908, but he did not state what those exceptions were. If he will permit me, in asking the question, I will read them:

Provided, nevertheless, That they do not affect the vital interest, the independence, or the honor of the two contracting States, and do not concern the interests of third parties.

My inquiry of the Senator from New York is whether or not either of those four exceptions, in his opinion, is justiciable under the terms of article 1 of the proposed treaty?

Mr. ROOT. I think they may be; some of them.

Mr. CULBERSON. Well, another inquiry.

Mr. ROOT. Let me finish my answer. I do not see how a question which involves the independence of a nation can be justiciable, because that means granting a right of capital punishment. Whether "vital interest" can be justiciable or not depends a good deal upon the scope you give to the definition of "vital interest." Some people might say that a question was vital and others that it was not. If the vital interest goes to the life of the Nation, I should not say the question

involved in it was justiciable. "The honor of the two contracting States"—there again I well conceive that questions that are supposed to involve honor may be justiciable. I should think most of them would be. The interests of third parties can not be justiciable unless the third parties are also parties to the proceedings. If they are parties to the proceedings, then they would be justiciable.

I think, Mr. President, that there is this difference between the two statements: The statement of a general principle, such as fixing justiciability as the test, tends toward rather a broad treatment by exclusion and inclusion, just as the great statement of right in our Constitution, which forbids property, and so forth, to be taken without due process of law, has done. No one has ever undertaken to put a definition upon what constitutes "due process of law," and yet for many generations that provision has been the great bulwark of individual freedom and security for the fruits of individual enterprise and thrift and, by a long process of inclusion and exclusion, we have been placing one case on one side and one on the other of the line drawn by that general proposition.

When you undertake to minutely specify in a statute the tendency is toward technicalities. Minute provisions invite technical treatment, and people are apt to stick in the bark and to get into the same kind of difficulty that we have with our absurd codes of practice.

Mr. SMITH of Michigan. Mr. President——

The VICE PRESIDENT. Does the Senator from New York yield to the Senator from Michigan?

Mr. ROOT. Certainly.

Mr. SMITH of Michigan. I am very much interested in what the Senator says of the "happy choice" of the word "justiciable." It is the qualifying word in this treaty. I should like to ask the Senator whether it has the same meaning and effect in France that it has in England or the United States? We are now considering the French treaty as well as the English treaty.

Mr. ROOT. I think it has. I think it marks a distinction which exists in the nature of things, which depends upon no system of law, upon no language, upon no mode of thought; the distinction between that kind of a question which is appropriate for the decision of a court of justice and that kind of a question embracing liberty and independence which each individual must decide for himself.

Mr. CULBERSON. If it does not interrupt the Senator, I should like to ask him a further question along the line of the question which I put a while ago.

Mr. ROOT. It does not interrupt me at all.

Mr. CULBERSON. The Senator, as I understand him, admitted that some of the exceptions would be justiciable under the proposed treaty. I ask him this question: If we do not not only enlarge by general words the scope of arbitration, but by a failure to put these exceptions in the new treaty we emphasize the fact that they are justiciable under the proposed agreement.

Mr. ROOT. I do not think so. My natural disposition would have been to favor a treaty which kept the original form of the treaties of 1908, merely striking out the exceptions, but I soon perceived if that were done the action would be open to the construction which the Senator from Texas has suggested. This entirely different form of statement is, I think, entirely free from any difficulty arising upon that suggestion.

Mr. LODGE. Mr. President——

The VICE PRESIDENT. Does the Senator from New York yield to the Senator from Massachusetts.

Mr. ROOT. Certainly.

Mr. LODGE. I desire to ask the Senator a question, if he will permit me. In the case in the Supreme Court which the Senator has just cited the justiciability of the question was submitted to them. In reply to the Senator from Texas the Senator from New York, in touching on "vital interests," said there were some that would be justiciable and some that probably would not be. Who is to pass upon the question of justiciability?

Mr. ROOT. That is to be passed upon just as every other question under a treaty is to be passed upon.

Mr. LODGE. No; I do not think the Senator understood me. I did not mean who are to pass upon it after a special agreement is made, but who are to pass upon the main question whether the difference is a justiciable or arbitrable difference.

Mr. ROOT. Will the Senator from Massachusetts permit me to postpone my answer to that until I come to dealing with the other part of the treaty?

Mr. LODGE. Certainly. I asked the question because it seemed to me the vital question.

Mr. ROOT. I shall come to it presently if too many hurdles are not put in the way.

Mr. SMITH of Michigan. They do not seem to bother the Senator any.

Mr. ROOT. Mr. President, I am very much concerned in getting the true and just construction of the first and fundamental provision of this treaty which defines the obligation that we assume, and I am now addressing myself to that, because no matter where the power is to construe this clause, no matter where the power is to determine whether a particular case comes within or does not come within the clause, above all things I want to avoid, so far as I have anything to do with the action of our Government, assuming an obligation in one sense and carrying it out in another.

I am not so much troubled about questions between legal obligations and moral obligations as I am about the question between moral obligations and immoral obligations. Heaven forbid that the Government of the United States should make a treaty believing that the other party takes it in a sense in which we do not intend to execute it. The result of two parties signing and delivering a contract, each thinking that it has got the start of the other, believing that it can secure a construction different from that which the other expects to get, can be nothing but further controversy.

Now, when we ratify these treaties, let us ratify them in the sense in which we mean to execute them. Whatever may be the power, wherever the power rests, I am trying to get at what I believe to be the just sense of the obligation which we assume.

Mr. President, I was just saying that there is another expression in this paragraph of the treaty to which some reference should be made, and that is the addition to the word "justiciable," as follows:

> Which are justiciable in their nature by reason of being susceptible of decision by the application of the principles of law or equity.

That enforces and gives additional weight to the view which I have just been expressing—that we are adopting here by analogy to our municipal procedure, to the proceedings of all courts of justice in all countries, the distinction which we are ready to carry into our controversies in international questions. The words used here are again not new.

At the last Hague Congress among the treaties entered into was one providing for an international prize court. That was signed by the representatives of substantially all the civilized countries of the world and, among others, by the representatives of the United States, than whom no better lawyers live in this country or, I believe, in any other. The treaty has been ratified by the United States, with the advice and consent of the Senate. That treaty provides for a permanent court to pass upon questions of prize, and those questions cover a very wide range and a great variety of most difficult and perplexing controversies.

It provides that—

> If a question of law to be decided is covered by a treaty in force between the belligerent captor and a power which is itself or whose subject or citizen is a party to the proceedings, the court is governed by the provisions of the said treaty.
>
> In the absence of such provisions the court shall apply the rules of international law. If no generally recognized rule exists, the court shall give judgment in accordance with the general principles of justice and equity.

That, Mr. President, is a statement of the rule to be applied to the determination of controversies in which we are to be a party, agreed upon by all the nations of the earth, agreed upon by us as an adequate and sufficient statement of the manner in which the controversy shall be decided, and that substantially has been used as the model for aiding the construction of the word "justiciable" in the main and operative clause of this treaty.

Indeed, sir, the words to which I now refer, which add to the understanding of the meaning of the word "justiciable" by a reference to the rules of law and equity, are themselves descriptive of the basis of all international law. The most famous definition of international law by the most famous of judges is that often quoted from Lord Mansfield. He said the law of nations is "founded upon justice, equity, convenience, the reason of the thing, and confirmed by long usuage." So if we ratify this treaty we are appealing first to the law of nations founded upon justice and equity and appealing, second, where there has been no recognized rule established, to the foundation of every rule embodied in the law of nations—the rule of justice and equity.

Mr. President, I think we are all agreed that among the questions which are not justiciable are the questions that have been raised here relating to the Monroe doctrine, relating to the admission of immigrants to our territory, relating to a great num-

ber of other questions; it is possible to think of scores and scores of them. Questions about our relations to Cuba, questions about the relations of Cuba to the Bahama Islands, questions about our relations to the Philippines, are all questions of national policy and have no place whatever in a court, any more than the framing of statutes which we pass here can be submitted to the discretion of a court on any other claim than that they are inconsistent with the predominant rule of the Constitution.

I have put upon the record this statement of the Secretary of State in order that there may never be any question as between the United States and England or France under this treaty about our understanding that questions of this kind are not justiciable; in order that the most open and public and unequivocal declaration may be made known to England and to France before they ratify the treaties themselves that we do not intend to submit to arbitration under these treaties questions of this description. Now is the time for us to say it, if we are ever going to say it. That we would say it if a question arose and arbitration were sought regarding any of these matters there can be no doubt. Do not let us wait until the treaty has been ratified and we are called upon to arbitrate some question that we do not believe comes within the treaty to say it is not within the treaty. Now is the time to say it. Then, when the treaties have been ratified, we shall stand in a position of honor and good faith, whatever questions may arise.

I say, sir, that in voting for the resolution of the Senator from Massachusetts I shall vote because I stand upon the declaration of the Secretary of State, because I believe it to be right. I give notice now, so far as one voice can give it, that it is not the intention of one ninety-second part of the Senate of the United States, in advising the ratification of these treaties, to assume any equivocal position, to create any false impression, to leave any doubt as to the true construction, but to declare solemnly that the treaties do not mean that we are to submit to arbitration the questions enumerated by the Secretary of State or any question coming within the class which the Secretary of State described in the first extract which I have had read from the desk.

Now, Mr. President, let us pass to the second serious question which has arisen under this treaty, and that is the question which arises upon the last clause of the third article, in these words:

> It is further agreed, however, that in cases in which the parties disagree as to whether or not a difference is subject to arbitration under article 1 of this treaty, that question shall be submitted to the joint high commission of inquiry; and if all or all but one of the members of the commission agree and report that such difference is within the scope of article 1, it shall be referred to arbitration in accordance with the provisions of this treaty.

That provision naturally arises to the mind as relevant to the question which must inevitably be asked following upon a determination as to what we consider the true construction of the treaty; what, however, if somebody else gives another construction to the treaty, gives what we consider a wrong construction to the treaty; in other words, whatever we may think the treaty to mean, are we putting it in the power of a commission appointed by the President to compel the arbitration of the questions that we do not understand to be justiciable? That would mean, of course, the power to compel the arbitration of all this great range of questions that have been discussed here, however improbable that may be.

Now, Mr. President, I should have construed this clause as having an effect much wider than that ascribed to it by the Secretary of State. When I first read it it seemed to me that the intent of the clause was that the decision of the joint tribunal would bind the whole Government of the United States, as well the Senate as the President. I did not agree with the Senator from Massachusetts in his view regarding the constitutional question. I did agree with the Senator from Massachusetts in his view about the meaning of that clause. But, sir, I found that the Senator from Ohio [Mr. BURTON], the Senator from North Dakota [Mr. MCCUMBER], that great American authority upon international law, Prof. John Bassett Moore, both a great publicist and an experienced diplomatist, that great lawyer and former Senator, Mr. Edmunds, and the Secretary of State himself, differed from the construction which the Senator from Massachusetts and myself gave to that clause.

Now, in view of the character and ability and experience and authority of the gentlemen whom I have named, and many others who took the same view, I can not say that the construction I put upon this clause is the only possible construction. It would be insufferable egotism for anyone to say that it is not possible to construe a clause of a treaty in the way that these gentlemen say it must be construed. We must realize, then, that there is a question of construction, and it becomes then, if we are to ratify these treaties, our duty to settle that question one way or the other, and to vote upon the treaties in accordance with our judgment of their wisdom as construed.

Now, sir, the Secretary of State who negotiated the treaties and who signed them has given us his construction, and he has, I understand, assented to the proposition that that construction shall be put into our resolution. That being so, whatever a court might have found, whatever any diplomatist might have been inclined or might be inclined to say was the meaning of the last clause of article 3 standing by itself, the construction which the Secretary of State puts upon it and which we embody in our resolution becomes the meaning of that clause.

Let me state the full force of that. There are a number of successive steps in the making of a treaty. The first is the signature of a treaty by the plenipotentiaries of the two parties. When Mr. Knox signs a treaty he does not do it as Secretary of State; he does it as a plenipotentiary specifically authorized by the President of the United States to negotiate a treaty on that subject. He has special powers. He does not do it under his commission; he does it under the power given to him specifically by the President to negotiate and sign that treaty. So with the ambassador who signs it on the other side; he has specific powers. The signatures of the plenipotentiaries to the treaty are always practically ad referendum. All treaties after being signed by the plenipotentiaries have to be ratified. They do not take effect until after they are ratified, and different countries have different methods of determining upon ratification. A treaty signed by Mr. Bryce goes back to England and it is to be ratified by the King in council. A treaty signed by Mr. Jusserand goes back to France, and according to its character it is to be ratified by the President, with the advice of the ministry or the French Parliament. A treaty signed by our plenipotentiary comes here for our consent to its ratification.

Now, when the proper authorities have consented, then there is a new proceeding, and that is an exchange of ratifications. New instruments are prepared and sealed and delivered, and it is the delivery of those instruments which constitute the last step and constitute the making of the treaty. The treaty is not made until the instrument that is called an instrument of ratification is signed and sealed by our Secretary of State and by the foreign ambassador and delivered. Whatever is in that instrument is in the treaty.

When we put this construction upon the last clause of the third article stated by the Secretary of State, who negotiated the treaty and put it into our resolution, that resolution is, as its terms require, made a part of the instrument of ratification, and just as much it becomes a part of the treaty upon the delivery of that instrument as if it had been written into the treaty in the first instance.

Mr. LODGE. Mr. President——

The VICE PRESIDENT. Will the Senator from New York yield to the Senator from Massachusetts?

Mr. ROOT. Certainly.

Mr. LODGE. The Senator, of course, knows even better than I do that that point has been made the subject of a decision by the Supreme Court.

Mr. ROOT. It has.

Mr. LODGE. In Doe against Braden. There is no question about it; it becomes a part of the treaty.

Mr. ROOT. It has been made the subject of a decision by the Supreme Court, which, of course, would be final only as to us, and in respect to the treaty as a part of the law of the land; but it has also been a matter of common practice as between nations, and we have done it over and over again.

Mr. SMITH of Michigan. Mr. President——

The VICE PRESIDENT. Does the Senator from New York yield to the Senator from Michigan?

Mr. ROOT. Certainly.

Mr. SMITH of Michigan. In the construction of the meaning of the resolution of ratification is the judgment of the Secretary of State final?

Mr. ROOT. In the construction of the meaning of the resolution?

Mr. SMITH of Michigan. In the construction of the resolution of ratification, if it qualifies in any way the treaty itself, who construes the resolution for our Government?

Mr. ROOT. I can not tell the Senator that. It depends upon when and how it comes up for construction.

Mr. SMITH of Michigan. Would the resolution of the Senator from Massachusetts [Mr. LODGE] be construed by the executive officers of this Government in connection with the treaty?

Mr. ROOT. It must be treated as being effective. They can not do otherwise, because it will be a part of the treaty; but we have got to look at ourselves to see that the language used means what we intend to have it mean.

Mr. SMITH of Michigan. Exactly.

Mr. ROOT. I have put into the record, as a part of the subject matter on which we proceed, the statements of the Secretary of State in the second extract which I had read in order to make doubly certain the meaning of this resolution.

Now let me read the words of the resolution and then read the statements of the Secretary of State, to see if there can be any question about what we mean. I pass over the matter about the confirmation of the commissioners; I do not care anything at all about that, Mr. President; I am perfectly indifferent. It is well enough to understand that we do not want to pack any court here.

Mr. SMITH of Michigan. But is it not a somewhat radical departure not to submit these names to the Senate?

Mr. ROOT. No; it has not been customary to submit them.

Mr. SMITH of Michigan. Are not commissioners of that character permanent?

Mr. ROOT. Oh, no; they are not permanent.

Mr. SMITH of Michigan. In a sense they are. They are permanent until this controversy which brings them into being is disposed of.

Mr. ROOT. They are appointed for a particular controversy, and it has never been customary to have them appointed by and with the advice and consent of the Senate. The nearest analogy to it that we have is the Alaskan boundary tribunal, and in that case the Senate did not pass on the commissioners.

Mr. SMITH of Michigan. Where they are merely the agents of the executive department, I understand, of course, that we have not been in the habit of confirming them, but where they are to perform an executive function with discretionary power it seems to me that we ought to insist upon our right to confirm them.

Mr. ROOT. I am not objecting to it, Mr. President. I say I do not care anything about it, because I have no doubt the President of the United States would select good men. I do not want him to pack the court and I do not want to help him pack the court. I want to dismiss the idea that there is any particular advantage in that power of confirmation and to dismiss the idea that there is any particular protection in that power, because——

Mr. WILLIAMS. It would be really better if the court were disinterested, would it not?

Mr. ROOT. We want a commission which will be disinterested, which will answer to the description that was put into the Alaskan boundary treaty calling for a commission composed of impartial jurists of repute. The language of the resolution is—

and with the further understanding that the reservation in article 1 of the treaty that the special agreement in each case shall be made by the President, by and with the advice and consent of the Senate, means the concurrence of the Senate in the full and unrestricted exercise of its constitutional powers in respect to every special agreement whether submitted to the Senate as the result of the report of a joint high commission of inquiry under article 3 or otherwise.

"Full and unrestricted exercise of its constitutional powers," whether submitted as the result of the report or otherwise. That is a terse expression of what the Secretary of State, who signed this treaty on behalf of the Americans, says he meant. Here is what he says in the extract which I have had read:

How can the Senate's power over the agreement be less if it goes to the Senate after the commission's report that it presents an arbitrable question than if it had gone there because of the opinion of the executive branches of both Governments to the same effect?

If the two Governments agree that the difference is arbitrable, they make an agreement to arbitrate it and it is sent to the Senate for its approval. If the two Governments can not agree that the difference is arbitrable, that ends the matter until the commission reports; and if its report is that the difference is arbitrable an agreement is made to arbitrate it and the agreement is sent to the Senate for approval just as if no such question had been raised, and the Senate deals with it with unimpaired powers.

That is what the negotiator of the treaty meant; that is what he publicly declares that he meant; that is what he is willing that we shall say in our resolution he meant; that is what he is willing that we shall put into the treaty through our resolution that he meant; and, accordingly, I am considering this treaty and I am going to vote upon this treaty upon that construction of the meaning of article 3.

It follows, Mr. President, that all this cloud of distress, lest we come to ruin because of being called upon to arbitrate our lives and liberties and sacred honor, disappears absolutely. By these treaties we adopt a statement of a general principle to determine what we shall arbitrate, stating the principle in terms that have been known to English-speaking people for centuries. In case there shall ever be an attempt to force us into an arbitration in violation of that treaty, the constitutional power of the Senate to resist that attempt remains unimpaired.

Mr. President, I am not one of those who think that the making of a treaty is the be-all and end-all of international intercourse and of international strife. It is far more important that nations shall observe treaties than that they shall make them. Italy and Turkey were both parties to The Hague convention; Russia and Persia were both parties to The Hague convention. When Austria absorbed Bosnia and Herzegovina she did it in apparent contravention of the terms of the treaty of Berlin. The real difficulties with which we have to deal in seeking to decrease the frequency of war are not so much the difficulties that arise upon questions which can be decided by courts, but the difficulties that arise from the weaknesses and errors of humanity.

Insult, hatred, resentment, desire for revenge, the lust of conquest, the eagerness to grasp territory, the desire of men whose passions are excited to fight—those are the things which stand in the way of the reign of peace. The making of treaties is but an incident, a step, an agency in the great process of changing the standards of mankind, of promoting a sense of the obligation of self-control as between the people of different nations, just as in the long course of centuries the obligation of self-control as between individuals has been inculcated. It is a long and often a discouraging process. No one can read history, sir, and see what a vast change has taken place in the sense of justice, in the sense of compassion, in the condemnation of brutality, and in the self-control of the people of the earth and not be encouraged to believe that it is a process which is ever and ever going on.

The great question, sir, is not whether we are ending war in making these treaties; it is whether we are doing our part in our day and generation to carry on that great process that is taking mankind out of the reign of brutality into the reign of justice and virtue and compassion and kindness.

Mr. President, the voice of a great Nation is potent in the world. It is not so much that I think these treaties will lead to the arbitration of questions between this country and Great Britain and France, which would not otherwise be arbitrated, that I want them ratified; it is because the moral effect upon mankind of the Government of the United States taking what is believed to be a step forward as compared with the moral effect of the Government of the United States refusing what is believed to be a step forward will make for the education of mankind along the lines of civilization or the retardation of their progress along those lines.

Let our country, which has done so much to exhibit to the world a standard of individual liberty and justice, do its part, not technical, cheese-paring, and meticulous in its dealing with words, but, having due regard to its great office in the world, let it do its part as a moral agent to lead mankind, but a step it may be, but still a step in the right direction, along the path of rational and Christian progress by the ratification of these treaties.

Mr. LODGE. Mr. President, before the Senator yields the floor, I desire to ask him a question.

The PRESIDING OFFICER (Mr. SMITH of Michigan in the chair). Does the Senator from New York yield to the Senator from Massachusetts?

Mr. ROOT. I do.

Mr. LODGE. I asked the Senator a question about who should pass upon the justiciability of the question where there was doubt, and he said he would answer it at a later point in his speech.

Mr. ROOT. I thought I did.

Mr. LODGE. I only wanted to be sure that I understood his answer correctly. I understood the Senator to say that under the treaty that question would be decided by the high commission of inquiry, as I interpret clause 3 of article 3.

Mr. ROOT. As you did interpret it?

Mr. LODGE. As I did interpret it.

Mr. ROOT. Before you offered your resolution?

Mr. LODGE. Before I offered the resolution; but as the resolution interprets it the decision remains in the hands of the treaty-making power of the United States.

Mr. ROOT. Precisely.

Mr. LODGE. That is my understanding. To take a specific instance: Southern bonds I conceive to be a justiciable question, for if a pecuniary claim is not justiciable, I do not know what is; but I do not think it is an arbitrable question or one to be arbitrated, and I think the final decision of that question under my resolution remains in the hands of the treaty-making power of the United States.

Mr. ROOT. Mr. President, I thought the terms that I used were not capable of any doubt.

Mr. LODGE. I did not misconstrue them.

Mr. ROOT. About southern bonds; my understanding is that the negotiators of these treaties on both sides have a complete understanding that that question can not be arbitrated, because it can not be a question hereafter arising, so that,

although forty or fifty or sixty or a hundred or a thousand years ago, when the Senator from Mississippi [Mr. WILLIAMS] and I were young [laughter], those bonds might have been treated as the basis of justiciable claims, but they can be no longer under treaties which set their faces to the future and deal only with questions hereafter arising.

Mr. SMITH of South Carolina. Mr. President, I do not lay claim to any great knowledge of diplomatic relations and the treaty-making features of our Government. But I do lay claim to some understanding of the English language.

The Senator from Mississippi [Mr. WILLIAMS] the other day in his speech took as the text or the basis for that speech that we delegated no power under this treaty to outsiders which we had not delegated under any other treaty, and that in the last analysis any question arising affecting the United States in its foreign relations the Senate would have the same power under *this treaty to act* upon them as it has now. I should like to call the attention of Senators to the language contained in each article of this proposed treaty and to certain matters that go before this language in order to see if I understand the purport of the whole matter.

Mr. O'GORMAN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The Senator from New York suggests the absence of a quorum. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Bacon	Crawford	McLean	Smith, Ga.
Bailey	Culberson	Martin, Va.	Smith, Md.
Bourne	Curtis	Martine, N. J.	Smith, Mich.
Brandegee	Dillingham	Myers	Smith, S. C.
Briggs	du Pont	Newlands	Smoot
Bristow	Foster	Nixon	Stephenson
Brown	Gallinger	O'Gorman	Swanson
Bryan	Gardner	Overman	Thornton
Burnham	Guggenheim	Page	Tillman
Burton	Hitchcock	Paynter	Townsend
Chamberlain	Johnson, Me.	Penrose	Warren
Chilton	Johnston, Ala.	Perkins	Watson
Clapp	Lea	Richardson	Williams
Clark, Wyo.	Lodge	Root	
Clarke, Ark.	Lorimer	Shively	
Crane	McCumber	Simmons	

The PRESIDING OFFICER. Sixty-one Senators have answered to their names. A quorum of the Senate is present. The Senator from South Carolina.

Mr. SMITH of South Carolina. I wish to call attention first to article 1. It has been contended by some on this side that the treaty would be acceptable or its defects remedied by knocking out clause 3 of section 3. I take it that if the treaty is taken in toto it will be found that clause 3 of section 3 is simply the logical sequence of what is both expressed and implied in all the other clauses, namely, that the power to arbitrate the questions that may arise under this treaty shall be as far as possible eliminated from any interference on the part of the Senate or of the officers of this Government. Or, to put it in the words of the Senator from Mississippi, when he said "I hope the time may come when disinterested and impartial judges shall pass upon the questions at issue between the States." These may not be his exact words, but they substantially convey his meaning. Therefore, to prove that this is the idea, I call attention to section 1 of article 1 in the proposed treaty, which I read:

All differences hereafter arising between the high contracting parties, which it has not been possible to adjust by diplomacy, relating to international matters in which the high contracting parties are concerned by virtue of a claim of right made by one against the other under treaty or otherwise—

Note the word "all," in line 1, and the words "under treaty or otherwise" in the last line of the portion quoted.

I emphasize the word "otherwise" for the reason that I shall attempt to prove that, if I read it correctly, that clause 3 of article 3 is simply the logical expression of what is implied and expressed in all the other articles.

I read further from article 1—

and which are justiciable in their nature by reason of being susceptible of decision by the application of the principles of law or equity, shall be submitted to the permanent court of arbitration established at The Hague by the convention of October 18, 1907, or to some other arbitral tribunal, as *shall* [may] be decided in each case by special agreement, which special agreement shall provide for the organization of such tribunal if necessary, to define the scope of the powers of the arbitrators, the question or questions at issue, and settle the terms of reference and the procedure thereunder.

"SHALL be submitted to the permanent court"—"The Hague." This is mandatory.

Now, the alternative, quoting from the same article and clause—

or to some other arbitral tribunal, as *shall* [may] be decided in each case by special agreement, which special agreement shall provide for the organization of such tribunal if necessary, to define the scope of the powers of the arbitrators, the question or questions at issue, and settle the terms of reference and the procedure thereunder.

Now, mark you, this special tribunal, when organized in place of or in lieu of The Hague, shall have the power to define the scope of the powers of the arbitrators, the question or questions at issue, and settle the terms of reference and the procedure thereunder. I shall compare this with the corresponding section in the existing treaty.

I quote the corresponding article in the existing treaty:

Differences which may arise of a legal nature or relating to the interpretation of treaties existing between the two contracting parties, and which it may not have been possible to settle by diplomacy, shall be referred to the Permanent Court of Arbitration established at The Hague by the convention of the 29th of July, 1899, provided, nevertheless, that they do not affect the vital interests, the independence, or the honor of the two contracting States, and do not concern the interests of third parties.

In article 1 of the proposed treaty "all" matters are to be referred. In the present treaty very vital and necessary exceptions are made. There is provision made in the proposed treaty for a special agreement. To quote again—

Which special agreement shall provide for the organization of such tribunal, if necessary, to define the scope of the powers of the arbitrators, the question or questions at issue, and settle the terms of reference and the procedure thereunder.

In other words, by special agreement we simply provide for the nomination or the naming of a special tribunal, which special tribunal shall then have plenary power to pass upon the merits of the case.

Now, the words of this section mean, if they mean anything, first, it is mandatory that all differences shall be referred to The Hague. If these differences are not so referred we appoint another tribunal and give that tribunal power to define—in the actual words of the text—

To define the scope of the powers of the arbitrators, the question or questions at issue, and settle the terms of reference and procedure thereunder.

Now, let us compare this section with the corresponding section in the existing treaty, to show that there is an intent in the very outset to eliminate as far as possible the Senate from any participation in determining the differences that may arise between this Government and a foreign country.

There is an exception made in the existing treaty, which those who are opposing the present form of the treaty insist shall be in some way incorporated in the proposed treaty to guard against that which all are agreed needs to be guarded against and which astute lawyers on the other side have been at pains to argue has not been eliminated nor the power of the Senate in any way abridged; and yet in the present treaty the points for which we are contending are explicitly stated, while in the other they must depend upon the interpretation of the Secretary of State or a resolution stating that they do not mean what the English language in the proposed treaty says it does mean.

Now, let us go one step further. I think I have shown clearly to those who have followed me that the special agreement can only go so far as to appoint a special tribunal to serve in lieu of The Hague, if it is not referred to The Hague, and then defines the office and powers of the special tribunal by saying it shall have practically full and complete power. I will read it:

To define the scope of the powers of the arbitrators, the question or questions at issue, and settle the terms of reference and the procedure thereunder.

This special tribunal, which is to be appointed by special agreement, is to be given practically unlimited power. By the very wording of the section this special tribunal, by special agreement, is to serve in lieu of The Hague. The powers of this special tribunal are defined. Therefore it is a natural inference that under the present treaty The Hague is intended to have like power.

In the remarks of the Senator from Mississippi and from others on this point, they claim that by this special agreement the rights and prerogatives of the Senators, under the Constitution, were left unimpaired. Where the language occurs to justify this statement by them I fail to see. They base this argument on the first lines of the fourth clause of article 1, which reads as follows:

The special agreement in each case shall be made on the part of the United States by the President of the United States, by and with the advice and consent of the Senate thereof.

What special agreement? The special agreement to appoint a tribunal. Then to give that tribunal plenary power to act as it pleases in the premises.

So that the functions that we retain to ourselves under the present treaty go only so far under the special agreement as to appoint a tribunal other than that which is established permanently at The Hague and then to give this special tribunal still greater power.

Now, in proof of the fact that those who drew this instrument and wrote it had this idea in view that we of the Senate

or those charged under the Constitution with the right to make these treaties and to guard them should be limited by this act, if possible, let me read section 2 of the existing treaty and compare it with what we propose to substitute for it. Article 2 of the existing treaty says:

In each individual case the high contracting parties, before appealing to the permanent court of arbitration, shall conclude a special agreement.

Here is the special agreement that is defined in the existing treaty and a special agreement, as is defined in the proposed treaty, and here is the matter of difference between the two. In the existing treaty it is provided that—

In each individual case the high contracting parties, before appealing to the permanent court of arbitration, shall conclude a special agreement defining clearly the matter in dispute.

Not appoint a court, but that the high contracting parties shall decide—

Defining clearly the matter in dispute, the scope of the powers of the arbitrators, and the periods to be fixed for the formation of the arbitral tribunal and the several stages of the procedure.

The high contracting parties in the present treaty shall be parties to this, namely, the Government of the United States—the Senate of the United States, charged with the treaty-making power. Under the proposed treaty it is submitted to a special tribunal, who shall have the power to do that with which we are now charged. I take it that the elimination of section 3 alone would not cure the evil tendencies of this measure, but to do this there must be a modification of every article. I suspect that our great desire for peace has led us to view carelessly this proposed treaty, which in its present form may have the opposite effect to that intended.

A proof of the fact that those who wrote this instrument were attempting to eliminate as far as possible the Senate from any participation in this very vital matter, I quote from the message of the President in submitting the proposed treaty to the Senate:

With a view to receiving the advice and consent of the Senate to the ratification of the treaty, I transmit herewith an authenticated copy of a treaty signed by the plenipotentiaries of the United States and Great Britain on August 3, 1911, extending the scope and obligation of the policy of arbitration adopted in the present arbitration treaty of April 4, 1908, between the two countries, so as to exclude certain exceptions contained in that treaty—

I have quoted these exceptions earlier in my remarks. They, in the language of the President, are to be excluded. To exclude the right to defend as Senators our national honor on the floor of the Senate, the right to say what shall and what shall not enter into a treaty, or what shall be the nature of questions arbitrated. The President explicitly says—

so as to exclude certain exceptions contained in that treaty and to provide means for the peaceful solution of all questions of difference which it shall be found impossible in future to settle by diplomacy.

That is the President's statement in transmitting to the Senate the proposed treaty. Whatever reservations we might have under the present treaty in order to maintain the right of the Senate, the right of the treaty-making power, to so modify them as to meet what we consider to be the righteous relations between others and ourselves, we propose in this treaty to exclude them from being left out and to include them in the questions to be arbitrated.

In further proof that they have this object in view, clause 2 of the preamble says:

The high contracting parties have, therefore, determined, in furtherance of these ends, to conclude a treaty extending the scope and obligations of the policy of arbitration adopted in their present arbitration treaty of April 4, 1908, so as to exclude certain exceptions contained in that treaty and to provide means for the peaceful solution of all questions of difference which it shall be found impossible in future to settle by diplomacy, and for that purpose they have appointed as their respective plenipotentiaries.

We have heard argument here for three or four days, both on this side and the other, for this is a nonpartisan question, to prove that in this treaty, if ratified without amendment, we are not curtailing the power of the Senate, that we do not propose to put it beyond what has been the accepted custom for all these years, when in the message of the President and in the preamble and in the text of the treaty itself in article 1, article 2, and article 3 there is conclusive proof to the contrary.

I for one propose that I shall exercise my right as a representative of the State of South Carolina in part and of the Nation in part, not because I would not shift a great responsibility, if I might do it honorably, but because under the Constitution and my oath I can not do it honorably, and therefore I shall not vote to do it dishonorably. I shall stand here and do my duty as far as I see it. If we differ on the interpretation of this instrument here in this body and have hurled back and forth radical differences of opinion, it will not be long before the fires of passion will be aroused, even in this body, and I suspect the humorist who said "The best nesting place for the dove of peace is in the cannon's mouth," was not very far from the truth.

But to come back to the argument I am making, I shall not read the treaty further, for I would not presume upon the intelligence of my colleagues to imply that so far as our international relations are concerned they have not given it their careful and earnest study; but I should like for some one who understands the English language to take this instrument from article 1 to the last clause of article 3 and show me wherein it does not comport with the preamble and with the message of the President, to the effect that it proposes to take every question that might arise under any circumstances and in any exigency and submit it to whom? To submit it, in the first place, to the established court of arbitration at The Hague, or else, through a shrewdly worded phrase, that we should by a special agreement appoint another tribunal, and then say that this other tribunal shall be clothed with the like or with greater power than The Hague now has.

What constitutes an international question? The claim of any government against another. The notice taken by any government of any matter that it may see fit to recognize as international.

The question of the finances or the indebtedness of a State or of a nation to another nation does not come within the scope of arbitration technically, but it is justiciable. In other words, if the question was raised as to any indebtedness between the two parties what the high court of inquiry decided on would be final. That means that any question relating to the indebtedness of the States to any citizen of a foreign nation, under the unlimited terms of this treaty, may become a question to be decided by the high court of inquiry.

The Senator from Massachusetts says the interpretation of the meaning of the treaty, as set forth in a document by the Secretary of State, and which under the law must accompany the treaty itself, will be taken as explaining the meaning of the treaty. I think it is our duty to make our treaties—as our laws also should be made—so explicit as to be easily understood and interpreted by all intelligent persons. We have not spent thus much time arguing as to whether or not we desire a treaty looking toward the promotion of peace. All of us are agreed on that; but we have spent much time arguing in the Senate of the United States what the treaty means. Here is an instrument drawn up, I suppose——

Mr. REED. Mr. President——

The PRESIDING OFFICER. Does the Senator from South Carolina yield to the Senator from Missouri?

Mr. SMITH of South Carolina. I do.

Mr. REED. If it would not interrupt the Senator, I would like to ask him a question. He is a lawyer and has drawn many documents where there was a lawyer for the other side.

Mr. SMITH of South Carolina. Mr. President, I would just like to correct the Senator.

Mr. REED. You are not a lawyer?

Mr. SMITH of South Carolina. I must plead not guilty.

Mr. REED. You are a business man and have had them draw instruments?

Mr. SMITH of South Carolina. To my sorrow, I have.

Mr. REED. Did you ever consent to sign an instrument where the construction of it was in dispute between the two lawyers representing the two parties before the instrument was signed?

Mr. SMITH of South Carolina. No, indeed. That is a very pertinent question to ask. Much time has been spent in attempting—shall I say it?—to play upon the credulity of the Senate, not giving it credit for having sense enough to know what the English language means. If we are in doubt as to what the treaty means, we must take from amongst our number certain interpreters of the instrument upon which the relation of this country to all the leading nations of the world depends. In place of having it explicit, and saying openly and above board that we propose to eliminate the Senate from any participation hereafter in international questions which may arise, or if we propose that they shall participate, stating in plain English how they shall participate, we have involved sentences in this treaty, cleverly drawn obscurities, so that clause 3 of article 3, as I said in the beginning of my speech, is no more obnoxious to me than the language in article 1 and the corollary that follows from it in article 2. For article 1 says, as I said a moment ago, the special agreement shall consist in appointing a tribunal, which tribunal shall be given the right—I am not quoting the language exactly. I am now—

to define the scope of the powers of the arbitrators, the question or questions at issue, and settle the terms of reference and the procedure thereunder.

Then down below, in clause 3 of article 1, it looks almost like an attempt cleverly to conceal the natural sequence of that which went before:

The special agreement in each case shall be made on the part of the United States by the President of the United States, by and with the advice and consent of the Senate thereof.

In other words, our participation, to repeat, is simply to go to the extent of appointing a special tribunal, which special tribunal then will take the matter in their own hands and, without any further reference to us whatever, dispose of the matter.

Now, further still, the last clause of article 1 says:

Such agreements shall be binding only when confirmed by the two Governments by an exchange of notes.

We have heard about the moral effect and about the legal effect. The effect will be to bind us to submit to The Hague, without recourse or redress, all questions if we follow the text of this instrument as honorable men, having agreed to it, or follow the finding of the special tribunal, because there is no court of final appeal other than this. Therefore the findings of one of these courts will bind us, and there is no provision where it shall be referred back or first referred to us for us to determine what matters are in dispute and to what extent we will allow them to go to arbitration.

Now, with that interpretation upon it, I come to article 2. If Senators followed me closely, if they did me that honor, they will find that in article 1 they have taken this power out of our hands. Article 2 provides practically the same thing:

The high contracting parties further agree to institute, as occasion arises and as hereinafter provided, a joint high commission of inquiry, to which, upon the request of either party, shall be referred for impartial and conscientious investigation any controversy between the parties within the scope of article 1—

Anyone who will read and study article 1 will see that its scope is as wide as the possibility of a difference between any two nations. Article 2 provides that any question arising, upon the request of either party shall be referred to this joint high commission of inquiry, whether or not it falls within the scope of article 1. I quote the balance of paragraph—

before such controversy has been submitted to arbitration, and also any other controversy hereafter arising between them, even if they are not agreed that it falls within the scope of article 1.

If article 1 is not wide enough under its present verbiage, then they make ample provision in article 2, that it shall go beyond the possibility of misinterpretation and take all questions in and make them subject to the provisions of treaty.

There is some little hope of peace held out in article 2, to wit, the parts italicized:

And also any other controversy hereafter arising between them even if they are not agreed that it falls within the scope of article 1: *Provided, however, That such reference may be postponed until the expiration of one year after the date of the formal request therefor,* in order to afford an opportunity for diplomatic discussion and adjustment of the questions in controversy, if either party desires such postponement.

In other words, having taken it out of the hands of the Senate and made ample provision that it shall be removed from the scope and power of the Senate, you will give them, as has been stated on this floor, ample time to cool down—one year to become rational, and by virtue of the cooling process possibly give us what we are entitled to.

Now, let us take article 3. It is not necessary for me to read any further from article 2, but I have shown that one is just an amplification of the other:

The joint high commission of inquiry, instituted in each case as provided for in article 2, is authorized to examine into and report upon the particular questions or matters referred to it, for the purpose of facilitating the solution of disputes by elucidating the facts, and to define the issues presented by such questions, and also to include in its report such recommendations and conclusions as may be appropriate.

The reports of the commission shall not be regarded as decisions of the questions or matters so submitted either on the facts or on the law and shall in no way have the character of an arbitral award.

Now, here is the clause of article 3 that has been under dispute and the basis of argument in this Chamber:

It is further agreed, however, that in cases in which the parties disagree as to whether or not a difference is subject to arbitration under article 1 of this treaty, that question shall be submitted to the joint high commission of inquiry; and if all or all but one of the members of the commission agree and report that such difference is within the scope of article 1, it shall be referred to arbitration in accordance with the provisions of this treaty.

Which in all conscience is wide enough, broad enough, in this treaty to satisfy any European nation having designs on us.

Every provision of this treaty eliminates the Senate and gives these outside parties full and complete power to pass upon any question that may arise. I said in the outset that I would show that every article in this treaty was but a step leading up to and finding its recapitulation in clause 3 of article 3. Article 1 and its amplification leads up to and is a part of article 2, with its amplification, and article 3 complete is but the final step resulting from articles 1 and 2.

The message of the President which accompanies this treaty plainly states its purpose. The preamble reiterates it, and the language of the text of the article proves it.

Now, in conclusion, I shall state another reason for voting against this treaty in its present form. It is a reason that has reference to my own State. It has been said in this debate or elsewhere that the Secretary of State has said that the securities held by foreigners against the several Southern States, which securities were issued during the period of reconstruction and carpetbag rule and repudiated by the Southern States, would be subject to the findings of the courts provided for in this measure. It would be interesting if the world could understand how these debts were contracted and by whom.

Prof. Scott, of the University of Wisconsin, says the debt of South Carolina before the war was $3,814,862.91.

In 1874, under the carpetbag rule, according to the same author, the State debt amounted to $28,997,608.20. An investigating committee that had been appointed at this time reported that the State was bankrupt. In 1878 we scaled our debt and repudiated some of the spurious bonds. Why? In reply to this question, in justification of my State, I shall read from the International Review, of New York, for the months of July and December, 1880, what it has to say in reference to this debt, who contracted it, and who purchased the bonds.

Before quoting him literally it might be well to state that these bonds were issued by the carpetbaggers for paying the interest on the public debt, bonds indorsed for railroads, so-called refunding bonds, and so forth, all of which were to meet the extravagant expenses incurred by the carpetbag rule. Now I quote the International Review, published in New York. It says:

There can be no doubt but this debt was incurred by a set of rascals, and it is more than probable that men equally bad took possession of the bonds. The State was not benefited by them, and the frauds and extravagances which prevailed in the Legislature of South Carolina during the period in which this debt was created will ever be a disgrace, not only to that State—

Now, just one quotation from the proceedings of the taxpayers' convention in my State, February 20, 1874. This remarkable condition was found by an examination of the books: Taxable property in 1860, $490,000,000; taxable property now, 1874, $170,000,000, practically one-third less. Taxes levied in 1860, $500,000; taxes levied this year, 1874, on practically one-third of the property, $2,700,000. Another item is public printing. September, 1868, to October 31, 1870—before they had learned to steal shrewdly or had become reckless—$43,440. October, 1872, to October, 1873, $331,945.66 was the amount of the printing bill.

It is needless for me to go further, but before I conclude I want to call attention to an act in my own State, passed March 7, 1871, creating what is known as the sterling funded debt. It provided for the issue of 6 per cent coupon bonds, aggregating in amount £1,200,000. Those issuing these bonds used the terminology of English money. A large part of the issue was never used in the legitimate way in which it was intended, in conversion bonds for the refunding of the State debt, but was scattered broadcast, and is broadcast to-day. There are lots of these bonds with the seal of the State of South Carolina on them, and in all honor we did not propose that the men, women, and children who had made the State glorious should be beggared by the thieving of an unholy lot who prostituted every office in our State, and prostituted the great seal of the State by placing it upon these spurious bonds.

I shall not stand upon this floor to-day and vote for any measure that might humiliate my State two generations after by having these matters called into question—her honor questioned—because there will not be the patience and time taken to study that horrible period. Neither will men set it down to the honor of South Carolina that she has outstanding obligations that she repudiated in any form. But they would gloriously exonerate her if they understood the condition that brought about the so-called debt and the glorious men who in honor and integrity and righteousness repudiated it.

Now, I am just as much as any man on this floor for peace. I think that war is a relic of the age of barbarism. Our schools and churches and homes are training the boys and girls to suppress passion, to promote and develop intellect, and to understand that to every effect there is an adequate cause; to every unrighteous effect that there must of necessity be an unrighteous cause; and in order to eliminate the unrighteous effect we must eliminate the unrighteous cause. And if passion is allowed to run riot, if it brings death and murder and confusion and strife, we must control the passions and eliminate the result. Just so this principle is applicable to nations as well. But in order to set the example of peace, am I to make myself an example of a pusillanimous coward who in order to maintain the virtue of

my home will not strike a blow at an attempted outrage thereon. Will I delegate to any man or set of men the right to determine what is an insult to the inmates of my household? I take the honor and integrity of my Nation to be as dear to me in a public sense as I take the honor and the purity and sanctity of my home in a private sense. With power under this democratic Government distributed and delegated as it is, let each and everyone stand as a man shouldering his full responsibility, repudiating any attempt to take from him the right to keep the old home of the American Government pure from defilement or outrage from outside.

Mr. HITCHCOCK. Mr. President, several weeks ago, speaking on the subject of the pending arbitration treaty with Great Britain, I undertook to show that in Great Britain the pending treaty was regarded as the first step toward an alliance between the United States and Great Britain. I quoted from the speech of Sir Edward Grey in the House of Commons, in which he said that if the treaty should be ratified it would, in his opinion, probably be followed by other agreements between the United States and Great Britain, the effect of which would be that if Great Britain became embroiled in hostilities with another country having no such arbitration agreement the United States would go to the aid of Great Britain. The speech of Sir Edward Grey had a peculiar significance at the time, because it was delivered when relations between Great Britain and Germany were strained to the breaking, and it had a peculiar significance also because Sir Edward Grey stood then and now stands at the head of the great department of foreign affairs of Great Britain. Not only that, but he had been one of those who had initiated the negotiations for the treaty.

Mr. President, my purpose to-day is to demonstrate that there exists in the United States a similar purpose to that which Sir Edward Grey describes. If the Senator from New York [Mr. ROOT] is right in saying that the speech of Mr. Secretary Knox, delivered before a public meeting in an American city, shall be taken as a means of interpreting this treaty, how much more, from the British standpoint at least, shall we say that the speech of Sir Edward Grey, delivered in his official capacity in the House of Commons, has the same effect as placing the British interpretation upon that treaty?

But my purpose to-day is to demonstrate to the Senate that the same purpose which Sir Edward Grey expressed as prevailing in Great Britain, that this treaty shall be only the first step toward an alliance between the two countries, exists in this country, existed in the initiation of the treaty. Moreover, I shall prove that it now dominates those who are attempting to influence the Senate of the United States by arousing the public opinion of the country in favor of the ratification of the treaty without the dotting of an "i" or the crossing of a "t."

Mr. President, what is the importance of this treaty? Does it lie in the fact that the treaty does away with certain exceptions in the old treaty? The treaty which we have now provides that we shall arbitrate all questions with Great Britain that do not involve national honor, vital interests, or third parties. One might think that doing away with these exceptions would give us a new treaty to be hailed with delight by those who stand for universal arbitration; but we heard upon the floor of the Senate yesterday a statement made by the Senator from Massachusetts [Mr. LODGE] that, in his opinion, the treaty would fail and be rejected by Great Britain if the Senate of the United States should strike out a part of article 3 which gives to the commission the power to interpret the treaty; that is, that Great Britain would not want the treaty with all its broad provisions; would not want the treaty with its enlarged powers for the arbitrators; would not want the treaty with its broader scope of arbitration, unless the Senate consented to have the joint high commission remain as the feature of the treaty—the commission, which able lawyers have asserted and which they to-day believe, will supersede the Senate of the United States in interpreting the treaty.

So, Mr. President, I feel warranted in saying that the broadening language of this treaty is not what is sought by those who are pushing it. What they seek is the creation of the commission by which the Senate, representing the American people, shall lose in part, at least, its power to control the interpretation of the treaty.

I might quote from some Americans who have openly declared themselves as in favor of an alliance with Great Britain; I might quote from our ambassador to Great Britain, who recently, in a banquet speech, has proclaimed his hope that there might be a unity of the English-speaking races, but I go by them. I say here, now, that the power behind the throne, the power which is forcing these treaties upon the Senate in their present form, which is arousing, or attempting to arouse, public sentiment for them, is the power of Andrew Carnegie's money. Not only has he created a board of trustees, consisting of some 27 members, and turned over to it $10,000,000, but he has directly, through that organization, and also personally for himself, contributed to the support of all the leading organizations in the country which are at the present time, and have been for months, engaged in stirring up the people of the United States to petition the Senate to ratify these treaties without the dotting of an "i" or the crossing of a "t."

We have, first, the American Peace Society, with its branches in all parts of the United States, a powerful body, and if it would devote its energies to the securing of international peace and the increase of the practice of arbitration, I would acclaim it a patriotic organization.

There is, second, the Federal Council of the Churches of Christ in America, which is busily at work among the religious organizations, using Andrew Carnegie's money, arousing the people of the churches to take action, without even knowing whether there is an existing arbitration treaty or not or what the terms are of the proposed new arbitration treaty.

There is, third, the American Association for International Conciliation, a great organization, which boasts that it sent out at one time 250,000 copies of a document.

Fourth, there is the American Peace Arbitration League of New York.

Fifth, there is the National Committee to Celebrate the Peace Anniversary between the United States and Great Britain.

Referring to the last of these, I want to read some of the objects that are to be attained by this peace celebration committee of which Andrew Carnegie is the chairman. One of them is:

> That an unlimited arbitration treaty between Great Britain and the United States shall be negotiated and signed, a project which bids fair to be accomplished before the anniversary.

Another object is:

> That a special textbook devoted to the relations of the United States with Great Britain, and especially with Canada, for the last century, shall be prepared under the direction of competent historians in both countries, and used in all schools where the English language is spoken during the period preceding the centennial anniversary of the signing of the Treaty of Ghent, and that the schools shall then join in its general celebration.

A textbook to rewrite the history of relations between the United States and Great Britain as though history was not already correct, as though it must be censored and amended!

Another of the objects of this association is:

> That Sulgrave Manor, in Northamptonshire, England, the home of George Washington's ancestors, shall be purchased by popular subscription in both countries as a visible monument to the cordial relations existing between the two great branches of the English-speaking peoples.

I shall not stop to read all of the other purposes, many of which are foreign to the legitimate purpose of a celebration, but which have been brought in there as expressing the personal desires of Andrew Carnegie.

But, now, Mr. President, I am going to read from an article written by Andrew Carnegie 20 years ago, when he was in his prime, which expresses, as is evident, the passionate desire of his heart that the United States shall again become an integral part of the British Empire. I read from the North American Review of 1893 the following most astonishing language. I had a faint recollection of it, but I was amazed recently on sending for the volume to read the exact language. I only quote certain paragraphs in the article.

Mr. Carnegie says in opening his article:

> Until a little more than a hundred years ago the English-speaking race dwelt together in unity, the American being as much a citizen of Britain as the Scotchman, Welshman, or Irishman. A difference, unhappily, arose under the British constitution, their common heritage, as to the right of the citizens of the older part of the state to tax their fellows in the newer part across the sea without their consent; but separation was not contemplated by Washington, Franklin, Adams, Jefferson, Jay, and other leaders. On the contrary, these great men never ceased to proclaim their loyalty to, and their desire to remain part of, Britain; and they disclaimed any idea of separation, which was indeed accepted at last, but only when forced upon them as a sad necessity from which there was no honorable escape if they were to maintain the rights they had acquired, not as American, but as British citizens.

Think of it! The author of the Declaration of Independence is pictured as never having ceased to proclaim his loyalty to, and desire to remain a part of, Britain! The great patriot at the head of our armies is described as always proclaiming his loyalty to Great Britain.

I turn to page 690 of the same volume and find this:

> Both Briton and American being now fully agreed that those who made the attempt to tax without giving the right of representation were wrong, and that in resisting this the colonists vindicated their rights as British citizens and, therefore, only did their duty, the question arises, Is a separation thus forced upon one of the parties, and now thus deeply regretted by the other, to be permanent?

I can not think so, and I crave permission to adduce some considerations in support of my belief that the future is certainly to see a reunion of the separated parts and once again a common citizenship.

I turn now to page 702 of the same volume. He had prior to this been discussing the various objections which he proceeds to remove by a very careful argument of minute detail and particularity. He then gives this little review of a reunited empire:

Numerous as would be the States comprising the reunited nation, each possessing equal rights, still Britain, as the home of the race, would ever retain precedence—first among equals. However great the number of the children who might sit around her in council, there could never be but one mother, and that mother Britain.

I turn now to page 708 of the same volume:

Let no man imagine that I write as a partisan in dealing with these questions. I know no party in this great argument, either in America or in Britain. Whatever obstructs reunion I oppose; whatever promotes reunion I favor. I judge all political questions from this standpoint. All party divisions sink into nothingness in my thoughts compared with the reunion of our race.

And then I turn, in conclusion, to the last paragraph of the article:

Let men say what they will, therefore; I say that as surely as the sun in the heavens once shone upon Britain and America united, so surely is it one morning to rise, shine upon, and greet again "the reunited States"—"the British-American union."

Mr. President, I have read parts of that article by Andrew Carnegie in order to show his life's purpose. In a great Republic like the United States the opinion of an individual, however great, might not amount to much; the influence which he may exercise may not be great, but consider that this man, animated by this purpose, is the possessor of three or four hundred million dollars, wrung from the industry of the American people by the favor of law; that he is in a position to devote $10,000,000 here and $20,000,000 there to educational purposes; that this money can be used to influence churches, to hire orators, to organize press bureaus. To thus mold public opinion his wealth is sufficient to bring considerable influence to bear upon the Senate. I say that it is brought to bear for this treaty, not because the treaty proposes arbitration, not because it broadens the scope of arbitration, because the Senator from Massachusetts said yesterday that, with all those desirable provisions, still the treaty would probably be rejected if the Senate were to cut out of it that provision which creates the joint high commission and permits it to supersede the Senate in the interpretation of the terms of the treaty itself. It is the joint high commission which is desired. It is the Carnegie idea to bring together the two Governments of the United States and Great Britain into one official body.

It is well, Mr. President, when we are on the eve of voting upon this treaty to take an account and to realize that all the so-called public opinion which has been brought to bear upon the Senate in favor of this treaty containing, as it does, that commission provision is not chiefly in the interest of arbitration. That is not the motive behind the mighty power which has aroused this public sentiment, so called. The motive behind that purpose is to bring about an alliance, at least, as Sir Edward Grey himself said, between the United States and Great Britain, and force the United States to abandon its position of isolation, friendly with all nations, but having no entangling alliances with any.

It is influences of this sort, influences due to the money of Mr. Andrew Carnegie, which inflict upon Senators such postal-card communications as I have here—something like a hundred received this week, within a few days, with my name printed upon the front of the postal card and a request upon the back of the postal card that I vote for the treaties.

I have a great respect, Mr. President, for the opinions of my constituents. I am perhaps more ready than the average Senator to recognize the power of public opinion when it is a real public opinion and the right of my constituents to command my vote to meet their views, and I pay as much attention, when I receive a communication in the cramped, trembling hand of a farmer as I would to a communication dictated in the office of a banker or a business man; but I do not bow to a public opinion aroused in this artificial way, simply by the use of money, to carry out a purpose to make a false union, a real alliance between the United States and Great Britain.

Mr. SMITH of Georgia obtained the floor.

Mr. LODGE. Mr. President——

The VICE PRESIDENT. Does the Senator from Georgia yield to the Senator from Massachusetts?

Mr. SMITH of Georgia. Yes, sir.

Mr. LODGE. I suggest the absence of a quorum.

The VICE PRESIDENT. The Senator from Massachusetts suggests the absence of a quorum. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Bacon	Cummins	McCumber	Richardson
Bailey	Curtis	McLean	Root
Bourne	du Pont	Martin, Va.	Shively
Brandegee	Foster	Martine, N. J.	Simmons
Briggs	Gallinger	Myers	Smith, Ga.
Bristow	Gardner	Nelson	Smith, Md.
Brown	Gore	Newlands	Smith, S. C.
Burnham	Guggenheim	O'Gorman	Smoot
Burton	Hitchcock	Overman	Stephenson
Chilton	Johnson, Me.	Page	Sutherland
Clapp	Johnston, Ala.	Paynter	Thornton
Clark, Wyo.	Kenyon	Percy	Tillman
Clarke, Ark.	Lea	Perkins	Warren
Crawford	Lippitt	Pomerene	Watson
Culberson	Lodge	Rayner	Wetmore
Cullom	Lorimer	Reed	Williams

The VICE PRESIDENT. Sixty-four Senators have answered to the roll call. A quorum of the Senate is present.

Mr. SMITH of Georgia. Mr. President, last summer we began to hear a great deal about the new treaties that were to bring universal peace. I now desire to ask the attention of the Senate to the proposed treaties in detail, and to insist that we should not approve them as drawn, because of the uncertainty as to their meaning.

A lawyer would not advise a client to sign a paper providing for the future conduct of his business when that lawyer was unable to tell what the paper meant. If he had half a dozen lawyers associated with him and they conferred about it and were not able to agree as to what the paper meant, he certainly would not advise his client to execute the paper.

We have had the spectacle of Senators—able Senators—discussing these treaties, and I scarcely think any two agree as to the meaning of any particular paragraph. We have an interpretation of them furnished through the Senator from New York [Mr. ROOT] by the Secretary of State. Before I take my seat I shall furnish an interpretation by the President of the United States, in which he construes them, and I shall show how the constructions of the President and the Secretary of State differ.

The effort to adopt a treaty with Great Britain by which future disagreements between the two nations may be arbitrated is not new. Such a treaty was submitted in January, 1897, prepared by Mr. Olney. I wish to call attention to the broad language there used looking toward the adjustment of future disputes.

The Olney treaty used the following language:

The high contracting parties agree to submit to arbitration in accordance with the provisions and subject to the limitations of this treaty all questions in difference between them which they may fail to adjust by diplomatic negotiations.

Mr. Cleveland supported that treaty with a short but strong message, and I desire the privilege, without stopping to read it, to embody in the RECORD a few passages from that message.

The VICE PRESIDENT. Without objection, such permission is granted.

The matter referred to is as follows:

Though the result reached may not meet the views of the advocates of immediate, unlimited, and irrevocable arbitration of all international controversies, it is, nevertheless, confidently believed that the treaty can not fail to be everywhere recognized as making a long step in the right direction, and as embodying a practical working plan by which disputes between the two countries will reach a peaceful adjustment. * * * It is eminently fitting as well as fortunate that the attempt to accomplish results so beneficent should be initiated by kindred peoples, speaking the same tongue, and joined together by all the ties of common traditions, common institutions, and common aspirations. * * * The experiment of substituting civilized methods for brute force as the means of settling international questions of right will thus be tried under the happiest auspices. Its success ought not to be doubtful, and the fact that its ultimate ensuing benefits are not likely to be limited to the two countries immediately concerned should cause it to be promoted all the more eagerly.

Mr. SMITH of Georgia. We now have a treaty prepared by Secretary ROOT, which is in force, providing for the arbitration of future differences with Great Britain, and I desire, without stopping to read it, to embody that treaty in the RECORD.

The VICE PRESIDENT. Without objection, permission is granted.

The treaty referred to is as follows:

ARBITRATION CONVENTION BETWEEN THE UNITED STATES AND GREAT BRITAIN.

[Ratifications exchanged at Washington, June 4, 1908. Proclaimed June 5, 1908.]

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA.

A proclamation.

Whereas an arbitration convention between the United States of America and the United Kingdom of Great Britain and Ireland was concluded and signed by their respective plenipotentiaries at Washington on the 4th day of April, 1908, the original of which convention is word for word as follows:

The President of the United States of America and His Majesty the King of the United Kingdom of Great Britain and Ireland and of

the British Dominions beyond the Seas, Emperor of India, desiring in pursuance of the principles set forth in articles 15–19 of the convention for the pacific settlement of international disputes, signed at The Hague July 29, 1899, to enter into negotiations for the conclusion of an arbitration convention, have named as their plenipotentiaries, to wit:

The President of the United States of America, ELIHU ROOT, Secretary of State of the United States, and

His Majesty the King of the United Kingdom of Great Britain and Ireland and of the British Dominions beyond the Seas, Emperor of India, the Right Hon. James Bryce, O. M., who, after having communicated to one another their full powers, found in good and due form, have agreed upon the following articles:

ARTICLE I.

Differences which may arise of a legal nature or relating to the interpretation of treaties existing between the two contracting parties and which it may not have been possible to settle by diplomacy, shall be referred to the Permanent Court of Arbitration established at The Hague by the convention of the 29th of July, 1899, provided, nevertheless, that they do not affect the vital interests, the independence, or the honor of the two contracting States and do not concern the interests of third parties.

ARTICLE II.

In each individual case the high contracting parties, before appealing to the permanent court of arbitration, shall conclude a special agreement defining clearly the matter in dispute, the scope of the powers of the arbitrators, and the periods to be fixed for the formation of the arbitral tribunal and the several stages of the procedure. It is understood that such special agreements on the part of the United States will be made by the President of the United States, by and with the advice and consent of the Senate thereof; His Majesty's Government reserving the right before concluding a special agreement in any matter affecting the interests of a self-governing dominion of the British Empire to obtain the concurrence therein of the Government of that dominion.

Such agreements shall be binding only when confirmed by the two Governments by an exchange of notes.

ARTICLE III.

The present convention shall be ratified by the President of the United States of America, by and with the advice and consent of the Senate thereof, and by his Britannic Majesty. The ratifications shall be exchanged at Washington as soon as possible, and the convention shall take effect on the date of the exchange of its ratifications.

ARTICLE IV.

The present convention is concluded for a period of five years, dating from the day of the exchange of its ratifications.

Done in duplicate at the city of Washington, this 4th day of April, in the year 1908.

ELIHU ROOT. [SEAL.]
JAMES BRYCE. [SEAL.]

Mr. SMITH of Georgia. I have embodied this treaty in my remarks especially because in many of the meetings that have been held throughout the United States patriotic men have called for the adoption of the present treaty upon the theory that it was a great advance in the adjustment of international troubles, apparently believing it was the first step that we had ever made for providing by an arbitration treaty for the settlement of future differences, and apparently not knowing that the treaty now in force provides for the arbitration of future differences.

I wish to embody it for another reason. I think it probably a better treaty than the one now submitted to us. Mr. President, I desire, without stopping to read it, to embody in the RECORD the proposed treaty.

The VICE PRESIDENT. Without objection, permission is granted.

The treaty referred to is as follows:

The United States of America and His Majesty the King of the United Kingdom of Great Britain and Ireland and of the British Dominions beyond the Seas, Emperor of India, being equally desirous of perpetuating the peace, which has happily existed between the two nations, as established in 1814 by the treaty of Ghent, and has never since been interrupted by an appeal to arms, and which has been confirmed and strengthened in recent years by a number of treaties whereby pending controversies have been adjusted by agreement or settled by arbitration or otherwise provided for, so that now for the first time there are no important questions of difference outstanding between them, and being resolved that no future differences shall be a cause of hostilities between them or interrupt their good relations and friendship;

The high contracting parties have therefore determined, in furtherance of these ends, to conclude a treaty extending the scope and obligations of the policy of arbitration adopted in their present arbitration treaty of April 4, 1908, so as to exclude certain exceptions contained in that treaty and to provide means for the peaceful solution of all questions of difference which it shall be found impossible in future to settle by diplomacy, and for that purpose they have appointed as their respective plenipotentiaries:

The President of the United States of America, the Hon. Philander C. Knox, Secretary of State of the United States; and

His Britannic Majesty, the Right Hon. James Bryce, O. M., his ambassador extraordinary and plenipotentiary at Washington;

Who, having communicated to one another their full powers, found in good and due form, have agreed upon the following articles:

ARTICLE I.

All differences hereafter arising between the high contracting parties, which it has not been possible to adjust by diplomacy, relating to international matters in which the high contracting parties are concerned by virtue of a claim of right made by one against the other under treaty or otherwise, and which are justiciable in their nature by reason of being susceptible of decision by the application of the principles of law or equity, shall be submitted to the Permanent Court of Arbitration established at The Hague by the convention of October 18, 1907, or to some other arbitral tribunal, as *shall* [may] be decided in each case by special agreement, which special agreement shall provide for the organization of such tribunal if necessary to define the scope of the powers of the arbitrators, the question or questions at issue, and settle the terms of reference and the procedure thereunder.

The provisions of articles 37 to 90, inclusive, of the convention for the pacific settlement of international disputes, concluded at the second peace conference at The Hague on the 18th of October, 1907, so far as applicable, and unless they are inconsistent with or modified by the provisions of the special agreement to be concluded in each case, and excepting articles 53 and 54 of such convention, shall govern the arbitration proceedings to be taken under this treaty.

The special agreement in each case shall be made on the part of the United States by the President of the United States, by and with the advice and consent of the Senate thereof, His Majesty's Government reserving the right before concluding a special agreement in any matter affecting the interests of a self-governing dominion of the British Empire to obtain the concurrence therein of the government of that dominion.

Such agreements shall be binding when confirmed by the two Governments by an exchange of notes.

ARTICLE II.

The high contracting parties further agree to institute, as occasion arises and as hereinafter provided, a joint high commission of inquiry, to which, upon the request of either party, shall be referred for impartial and conscientious investigation any controversy between the parties within the scope of Article I, before such controversy has been submitted to arbitration, and also any other controversy hereafter arising between them even if they are not agreed that it falls within the scope of Article I: *Provided, however,* That such reference may be postponed until the expiration of one year after the date of the formal request therefor, in order to afford an opportunity for diplomatic discussion and adjustment of the questions in controversy, if either party desires such postponement.

Whenever a question or matter of difference is referred to the Joint High Commission of Inquiry, as herein provided, each of the high contracting parties shall designate three of its nationals to act as members of the commission of inquiry for the purpose of such reference; or the commission may be otherwise constituted in any particular case by the terms of reference, the membership of the commission and terms of reference to be determined in each case by an exchange of notes.

The provisions of articles 9 to 36, inclusive, of the Convention for the Pacific Settlement of International Disputes concluded at The Hague on the 18th October, 1907, so far as applicable and unless they are inconsistent with the provisions of this treaty, or are modified by the terms of reference agreed upon in any particular case, shall govern the organization and procedure of the commission.

ARTICLE III.

The Joint High Commission of Inquiry, instituted in each case as provided for in Article II, is authorized to examine into and report upon the particular questions or matters referred to it, for the purpose of facilitating the solution of disputes by elucidating the facts, and to define the issues presented by such questions, and also to include in its report such recommendations and conclusions as may be appropriate.

The reports of the commission shall not be regarded as decisions of the questions or matters so submitted either on the facts or on the law and shall in no way have the character of an arbitral award.

[It is further agreed, however, that in cases in which the parties disagree as to whether or not a difference is subject to arbitration under Article I of this treaty, that question shall be submitted to the Joint High Commission of Inquiry; and if all or all but one of the members of the commission agree and report that such difference is within the scope of Article I, it shall be referred to arbitration in accordance with the provisions of this treaty.]

ARTICLE IV.

The commission shall have power to administer oaths to witnesses and take evidence on oath whenever deemed necessary in any proceeding, or inquiry, or matter within its jurisdiction under this treaty; and the high contracting parties agree to adopt such legislation as may be appropriate and necessary to give the commission the powers above mentioned, and to provide for the issue of subpœnas and for compelling the attendance of witnesses in the proceedings before the commission.

On the inquiry both sides must be heard, and each party is entitled to appoint an agent, whose duty it shall be to represent his Government before the commission and to present to the commission, either personally or through counsel retained for that purpose, such evidence and arguments as he may deem necessary and appropriate for the information of the commission.

ARTICLE V.

The commission shall meet whenever called upon to make an examination and report under the terms of this treaty, and the commission may fix such times and places for its meetings as may be necessary, subject at all times to special call or direction of the two Governments. Each commissioner, upon the first joint meeting of the commission after his appointment, shall, before proceeding with the work of the commission, make and subscribe a solemn declaration in writing that he will faithfully and impartially perform the duties imposed upon him under this treaty, and such declaration shall be entered on the records of the proceedings of the commission.

The United States and British sections of the commission may each appoint a secretary, and these shall act as joint secretaries of the commission at its joint sessions, and the commission may employ experts and clerical assistants from time to time as it may deem advisable. The salaries and personal expenses of the commission and of the agents and counsel and of the secretaries shall be paid by their respective Governments, and all reasonable and necessary joint expenses of the commission incurred by it shall be paid in equal moieties by the high contracting parties.

ARTICLE VI.

This treaty shall supersede the arbitration treaty concluded between the high contracting parties on April 4, 1908, but all agreements, awards, and proceedings under that treaty shall continue in force and effect and this treaty shall not affect in any way the provisions of the treaty of January 11, 1909, relating to questions arising between the United States and the Dominion of Canada.

ARTICLE VII.

The present treaty shall be ratified by the President of the United States of America, by and with the advice and consent of the Senate thereof, and by His Britannic Majesty. The ratifications shall be exchanged at Washington as soon as possible and the treaty shall take effect on the date of the exchange of its ratifications. It shall thereafter remain in force continuously unless and until terminated by 24

months' written notice given by either high contracting party to the other.

In faith whereof the respective plenipotentiaries have signed this treaty in duplicate and have hereunto affixed their seals.

Done at Washington the 3d day of August, A. D. 1911.

[SEAL.] PHILANDER C. KNOX.
[SEAL.] JAMES BRYCE.

I certify that the foregoing is a true copy of the original treaty this day signed.

PHILANDER C. KNOX.
Secretary of State.

AUGUST 3, 1911.

Mr. SMITH of Georgia. Let us compare the terms of these two treaties and show how difficult it is to decide what the proposed treaty means.

The provision in the treaty of 1908, applicable to the differences to be in future settled by arbitration, is as follows:

Differences which may arise of a legal nature or relating to the interpretation of treaties existing between the two contracting parties and *which it may* not have been possible to settle by diplomacy, shall be referred to the Permanent Court of Arbitration established at The Hague by the convention of the 29th of July, 1899, provided, nevertheless, that they do not affect the vital interests, the independence, or the honor of the two contracting States, and do not concern the interests of third parties.

It will be observed that the existing treaty submits to arbitration all future differences of a legal nature or relating to the interpretation of treaties existing between the two contracting parties which it may not have been possible to settle by diplomacy. It provides, however, that differences which affect the vital interests, the independence or the honor of the two contracting parties, and which concern the interests of third parties are not to be submitted to arbitration.

These terms "the vital interests, the independence or the honor of the two contracting parties" and differences "which concern the interests of third parties," are the only exceptions to the general agreement contained in the present treaty to refer all differences to arbitration.

I ask you now to consider the language of the proposed treaty. We must judge what the language of article 1 means, in part, by the declaration of the purpose contained in the introduction. That introduction declares:

The high contracting parties have, therefore, determined in furtherance of these ends, to conclude a treaty extending the scope and obligations of the policy of arbitration adopted in their present arbitration treaty of April 4, 1908, so as to exclude certain exceptions contained in that treaty and to provide means for the peaceful solution of all questions of difference which it shall be found impossible in future to settle by diplomacy.

The extract from the proposed treaty which I have just quoted provides that the high contracting parties have determined "to exclude certain exceptions contained" in the treaty of 1908. Those exceptions are differences which affect "the vital interests, the independence, or the honor" of the two contracting States and matters which "concern the interests of third parties."

The proposed treaty, by declaring that it is to exclude these exceptions, in effect declares that if the new treaty is made, in future the United States is to arbitrate differences which affect the vital interests, the independence, and the honor of the United States, and even differences which concern the interests of third parties.

The introduction to the proposed treaty furthermore declares that this treaty is to provide means—

for the peaceful solution of all questions of difference which it shall be found impossible in future to settle by diplomacy.

Can there be any serious doubt as to the meaning of the language of the proposed treaty to which I have referred? It declares that all future differences, not settled by diplomacy, are to be settled by arbitration, and it specifically declares that the purpose of this new treaty is to get away from the words of limitation of the present treaty so that differences affecting the vital interests, the independence, and the honor of the United States shall be arbitrated, and also differences which concern the interests of third parties.

With this introduction just preceding article 1, let us consider the language there contained in the proposed treaty defining the differences that are to be made by it the subject of arbitration.

The language upon this subject in article 1 is:

All differences hereafter arising between the high contracting parties, which it has not been possible to adjust by diplomacy, relating to international matters in which the high contracting parties are concerned by virtue of a claim of right made by one against the other under treaty or otherwise, and which are justiciable in their nature by reason of being susceptible of decision by the application of the principles of law or equity.

I find no words of limitation in this definition of differences to be arbitrated which supersede the broad language used in the introduction.

The term "claim of right" is no limitation of the declaration that "all differences" are to be arbitrated. A claim of right is an assertion of a claim or an assertion of a right. It may be improperly asserted. Before a board of arbitration the right may not be sustained. The term "claim of right" has no technical meaning fixed by law. It covers any assertion of a right by one of the parties against the other under which one of the parties may claim that the other party should do or refrain from doing some particular thing.

The word "justiciable" does not limit the differences described in the introduction. It is not used here as it would be used in the United States as a part of our system of government. We have the executive, the legislative, and the judicial; we would use in our domestic affairs the term "justiciable" as one applicable to a subject which the judiciary would handle, and the term under our system of government would have a limitation placed upon it. Our judiciary can not handle matters that belong to the executive or the legislative departments. The decision of our Supreme Court, therefore, cited by the Senator from New York, has no application whatever to the meaning of the term "justiciable" as here used. We are providing by the proposed treaty for the creation of a board of arbitration to settle differences between the United States and certain foreign countries, either through The Hague or by the creation of a special arbitral tribunal, and the term "justiciable," as used in the proposed treaty, would cover any character of dispute that could be referred to a board of arbitration for decision—one involving an act of the executive or of the legislative branch of the Government, or one, according to the terms of the preamble, from which would not be excluded even matters of vital interest, the independence or the honor of our country or of the other contracting party.

The only additional words that can be construed as words limiting the character of the differences to be submitted to arbitration are these: "Susceptible of decision by the application of the principles of law and equity." What does this mean? We know what law and equity, as applied to the jurisprudence of England and the United States, mean. They are the words that include our system which has been built up for the settlement of personal rights and corporate rights and other questions which go before our courts. Every claim of right by one citizen against another, under our system, is justiciable. The claim may be unsound, yet it is justiciable. The claim may be brought into court by a declaration which goes out on demurrer, the claim being so absurd that it can not possibly be sustained; still it is capable of submission to a court and of decision by the court.

So if the purpose of this language is to use the term "law and equity" in a broad sense, it must mean that so far as practicable the principles of law and equity, as they have grown up in England and the United States for the adjudication of rights, shall be introduced into international law and be used to aid in building up an equally broad system of deciding differences between nations.

As the proposed treaty provides for the submission to a joint high commission of any difference that may arise between the two contracting parties, to determine whether a particular difference is subject to arbitration under this treaty, we should see just how far an honest mind might conclude that our agreement would go with reference to the settlement by arbitration of differences.

The introduction to the proposed treaty strikes the words of limitation in the existing treaty and declares that the purpose of this new treaty is to settle, through a system of arbitration, all differences that are not adjusted by diplomacy. The language in article 1, in view of the language just preceding it in the introduction of the treaty, could fairly be decided to mean that all disputes involving the assertion of a right by one of the countries against the other, whether claiming that the opposing party to the contract should do something or refrain from doing something, must be submitted to arbitration, and that the arbitrators could handle the dispute if it was one subject to decision, and apply to it as nearly as possible the principles of law and equity recognized for the decision of claims of rights between individuals.

Is there any subject of dispute between the two contracting parties that might not honestly be held, with such language used in the proposed treaty, to be covered by its terms?

It can not be claimed that the terms "law and equity" limit this agreement to the extent that "law and equity" known to our jurisprudence has already been introduced into international law; such a construction would narrow rather than broaden the extent of the differences which the present treaty of arbitration provides shall be submitted to arbitration.

Fairly construed, article 1 of the proposed treaty means that the two contracting parties, having in view a plan of arbitration by which every difference is to be arbitrated, will settle their differences in future by a board of arbitrators who are to act in a judicial manner, and the rules that have been applied in law and in equity, under our system, are to be introduced into international law, and, utilizing those principles, all differences between the two contracting parties are to be arbitrated.

At least it must be conceded that the words of limitation in article 1 amount to almost nothing, and that in connection with the introduction they leave practically every difference between the two countries to be arbitrated.

And just here I desire to send to the Secretary, to be read, the opinion of the President of the United States on this subject, and I wish to make the opinion of the President of the United States a part of the discussion of this question, so that it can be considered in connection with the action of the Senate upon this treaty and aid in future interpretation of the treaty.

The VICE PRESIDENT. Without objection, the Secretary will read as requested.

The Secretary read as follows:

President Taft, in his speech before the Mountain Lake Chautauqua, at Mountain Lake, Md., on August 7, 1911, said——

Mr. ROOT. May I ask from what this extract is being read? Is it an extract from a speech?

Mr. BACON. I will say I handed that extract to my colleague, and I will state the source of my information. I never had the slightest reason to doubt its authenticity. It is a part of a paper written by a gentleman in Baltimore which was handed to me by the Senator from Maryland [Mr. RAYNER]. The gentleman who wrote the paper is a gentleman of repute, vouched for by the Senator from Maryland; and in that article this is stated to be an extract from the speech delivered by the President of the United States. Of course, while the verification of the original can not now be made, if it is not a correct report of what the President then said, it will certainly be disclosed in the future.

I will say that I observe that the Senator from Maryland is now present. I did not see him at the time I rose to speak. He handed me the paper. I have forgotten the name of the gentleman who wrote the article upon the subject. The Senator from Maryland will remember that he handed me the paper. I have it not here, but I have it in my room, and I will send to have it brought down.

Mr. ROOT. With that explanation of the origin of the paper which is being read, I have no objection to its further reading.

The VICE PRESIDENT. The Secretary will continue the reading.

Mr. SMITH of Georgia. I wish to state, before the reading is resumed, that I will furnish the Senator ample additional extracts from the President, equally as strong, in public statements by him. I really asked to have this article read because the senior Senator from Georgia, my colleague, handed it to me and desired to have it read.

Mr. BURTON. Mr. President——

The VICE PRESIDENT. Does the Senator from Georgia yield to the Senator from Ohio?

Mr. SMITH of Georgia. Certainly.

Mr. BURTON. Reference was made this morning to an utterance of the President which is in published form, authentic, and vouched for. It is an article known as "The dawn of world peace." I should like to ask the Senator from Georgia whether he expects to quote from that.

Mr. SMITH of Georgia. No. The only other quotation I expect to make from the President is from the address of the President of October 3, 1911, at the Chamber of Commerce, Denver, Colo. I have another also, but I find ample in this published paper to cover from him everything I claim he has said.

Mr. BURTON. I will state that in this article the views of the President are set forth at length, and he takes the same view with reference to the prerogatives of the Senate, after the decision of the joint high commission, as those expressed by the Secretary of State and read by the Senator from New York this morning; and I think it but fair that those views be read in the course of this discussion.

Mr. SMITH of Georgia. I do not know of his having done anything of the kind. I am sure he has declared himself most unqualifiedly in accord with views that are entirely in conflict with those read from the Secretary of State.

Mr. BURTON. Mr. President——

The VICE PRESIDENT. Does the Senator from Georgia yield further to the Senator from Ohio?

Mr. SMITH of Georgia. I do.

Mr. BURTON. The article to which I have referred is that to which the Senator from Idaho made reference this morning. I think its contains the fullest statement made by the President on the subject.

Mr. BACON. If my colleague will permit me here, I wish simply to give to the Senator from New York the name of the gentleman in Baltimore——

Mr. ROOT. What I wanted to get at was——

Mr. BACON. Does the Senator from New York object to my giving him the name?

Mr. ROOT. If the Senator wishes to give me the name, I am indifferent.

Mr. BACON. The Senator called on my colleague for information as to the authenticity of this article. I am trying to give it to the Senator.

Mr. ROOT. Very well.

Mr. BACON. It is Mr. Henry Herzberg, a citizen of Baltimore, who is vouched for to me by the Senator from Maryland [Mr. RAYNER] as entirely trustworthy, and it is from a paper prepared by him that I have taken this extract of what purport to be the utterances of the President at the place indicated. The Senator from Maryland is present.

Mr. ROOT. It is perfectly——

The PRESIDING OFFICER (Mr. BRANDEGEE in the chair). The Senator from Georgia has the floor, and he declines to yield further.

Mr. SMITH of Georgia. I will not decline to yield later on. I simply desire to waste no more time in discussing whether this paper shall be read. I will read it.

President Taft, in a speech before the Mountain Lake Chautauqua at Mountain Lake Park, Md., August 7, 1911, said:

By this treaty, if it is ratified, the Executive and Senate, representing the United States, agree to settle all their differences, as described in the treaty, by arbitration or through a commission.

Should the treaty be ratified, the Senate, exactly as the Executive, will be in honor bound by its obligations in good faith to perform the offices which the main treaty provides shall be performed on the side of the United States, and then to abide the result and to acquiesce or, in so far as may be, perform and execute the judgment of the tribunal.

What is there to prevent the Senate from uniting with the Executive in agreeing to settle future controversies of a given description in a treaty by the judgment of an impartial tribunal, and to submit to that tribunal not only the question how the issue ought to be decided, but also as a condition precedent whether the issue is within the terms of the treaty already made?

Mr. President, I now present the printed speech by the President, which goes elaborately into the discussion of the same question, and I desire to put it in the RECORD, and I wish the Secretary to read it.

The PRESIDING OFFICER. The Secretary will read the part referred to.

Mr. SMITH of Georgia. I desire him to read only those parts which I have marked.

The PRESIDING OFFICER. Without objection, they will be read.

The Secretary read as follows:

From an address by the President of the United States on the ratification of the pending treaties for unlimited arbitration with Great Britain and France, delivered October 3, 1911, before the Chamber of Commerce at Denver, Colo.

[Page 8.]

There is, however, another function, and it is that function that troubles the majority of the Foreign Relations Committee. If it shall happen that in the future a question shall arise between the two parties as to which one party does not wish to arbitrate and as to which the other does, and it becomes a question whether under the construction of the treaty it is really justiciable, so that both parties are bound to the treaty, then it is left to the joint high commission to decide whether the issue actually arising is within the treaty, so that both parties are bound, and is justiciable within the definition that I have given you.

* * * * * * *

But the argument of the Senate now is that their power does not go to the point of binding themselves in the future to arbitrate something which a tribunal shall determine is within a contract in which they agree to arbitrate a class of questions. They say they must hold and decide, when the question arises, whether it is within the contract which they have signed.

* * * * * * *

That position absolutely destroys any hope of progress with reference to making a real treaty that shall bind us to something with respect to arbitration. There should be no fooling about this business of arbitration—either we are going to arbitrate something, or we are not. If we are going to agree to arbitrate every issue except that which we do not care to arbitrate, then we ought not to sign arbitration treaties at all. If the Senate has not the power to agree to arbitrate a certain class of questions and submit the question whether the question which arises comes within this class, then its power is very limited in entering into general arbitration treaties that cover all subjects of the future.

The PRESIDING OFFICER. Does the Senator from Georgia ask permission to incorporate the entire pamphlet?

Mr. SMITH of Georgia. No; I wanted read only those portions which I had marked.

Now, Mr. President, not only does the first paragraph of this treaty declare that everything is to be arbitrated, not only does it strike out the words of limitation in the existing treaty, but the language or article 1, construed in the light of that introduction, means that practically everything is to be arbitrated, and the President so understands it.

We can not afford to adopt this article 1 without limitation unless we mean to say that every difference that arises between Great Britain and the United States shall be settled by arbitration. If we mean that, we should broadly say so, because that is practically the effect of article 1; and the Senator from New York and the Senator from Illinois and the Senator from Ohio thought so when they brought in their report from the Committee on Foreign Relations, for in bringing in their report they asked that the language of article 1 should be limited. They did not then favor the approval of the treaty without a qualification placed upon the language in article 1. In the resolution of ratification which they suggested the following language is used:

The Senate advises and consents to the ratification of the said treaty with the understanding, to be made a part of such ratification, that the treaty does not authorize the submission to arbitration of any question which depends upon or involves the maintenance of the traditional attitude of the United States concerning American questions, or other purely governmental policy.

Why did the Senator from New York and the Senator from Illinois and the Senator from Ohio deem it necessary to provide in the resolution of ratification a limitation to be put upon article 1? Because the language of article 1 is so broad that unless in the ratification resolution words of limitation are added it may justly be extended to every class of disputes between the two countries. I therefore cite the opinion of members of the committee—the opinion of the Senator from New York, of the Senator from Illinois, and the Senator from Ohio—to support the proposition that we can not afford to adopt article 1 without putting some language in the resolutions of ratification declaring that we do not mean by article 1 to arbitrate every possible difference that may arise between the two countries, unless we are really prepared to arbitrate every possible future difference.

Numerous instances have been given by the Senators of differences that we could not consent to arbitrate. The Senator from Massachusetts [Mr. LODGE] presented them, and presented them ably and conclusively. The Senator from Georgia [Mr. BACON] presented them, and presented them ably and conclusively.

No Senator claims that we could consent to arbitrate with a foreign country a difference involving the Monroe doctrine, our policy as to immigration, a question involving the validity of bonds issued by the Southern States in the reconstruction days, or any question which involves the traditional attitude of the United States concerning American questions or other purely governmental policy.

I may go further and say that if the Senate were willing to arbitrate questions of this kind and agreed to do so the people of the United States, when the issue came, would not submit them to arbitration and would override the President and the Senate.

Then, if we do not intend to arbitrate all differences, and really can not do so, ought we to make a treaty containing article 1 with its unlimited language, that fairly may be construed as covering every difference? Will it help the cause of peace to make a treaty in such uncertain terms that the opposing party to the treaty may understand it to mean something that you do not for one moment intend it to do? Are you ready to make a treaty which the other contracting party may fairly construe to be an agreement you intend to break?

The Senator from New York [Mr. ROOT] dwelt eloquently upon the desirability of peace. It is hardly necessary for us to answer him upon that line. He desires it no more than do the Senators who oppose this treaty in its present form. It is our desire for peace that has caused us to insist that the treaty drawn by the Senator from New York when Secretary of State is clearer, if not better, than the treaty now submitted to the Senate. It is less apt to cause friction and differences between the two nations than this treaty, the meaning of which is at least doubtful.

I can not myself vote for this treaty unless the resolutions of ratification limit the meaning of article 1. The resolutions of ratification presented by the minority of the committee, prepared by the Senator from New York himself, limit article 1 of the proposed treaty, and they thereby admit the necessity of such action.

Let us go on and see whether the balance of the treaty is satisfactory. The very next clause is one of doubt. If the object had been to put on paper language capable of two or more constructions, it was done with the touch of genius. After describing the differences to be arbitrated, article 1 proceeds:

Shall be submitted to the permanent court of arbitration established at The Hague by the convention of October 18, 1907, or to some other arbitral tribunal, as shall be decided in each case by special agreement—

And so forth.

The special agreement in each case shall be made on the part of the United States by the President of the United States—

And so forth.

This language could fairly be construed to mean that if the President reaches the conclusion that the difference involved between the United States and the other contracting party is justiciable he could submit it at once to The Hague, without any special agreement, thus obviating the reference of the question in any way to the Senate.

I can hardly think that such a purpose was contemplated, but the language is easily capable of the construction that the special agreement referred to is one to be made only where a special tribunal, other than The Hague, is to arbitrate the difference.

Now, let us come to the joint high commission. It is not only to handle questions that are subject to arbitration, but also any controversy hereafter arising between the parties, if they do not agree that it falls within the scope of article 1.

Now, who can compose the joint high commission? Three nationals on each side, if you please, or otherwise, as the President and the representative of the other country may see fit. The high commission is not limited to nationals. It is not limited in number. The high commission can consist of one foreigner, agreed upon by the President or the Secretary of State, and the representative of the other country.

Now, what power do you propose to give to the high commission? If language means anything, the joint high commission has the power to investigate a dispute between the two contracting parties and decide whether it is a subject that must be arbitrated. The joint high commission is vested with the authority to determine whether the difference is one which falls within article 1, and if the joint high commission decides that it does fall there, then we agree that the dispute shall be arbitrated.

I agree with the report made by the majority of the committee prepared, I understand, by the Senator from Massachusetts [Mr. LODGE]. Like many others, I was captivated last summer by the newspaper articles telling of some marvelous new plan for universal peace, and, no doubt, had I been at a public meeting I would have risen with the balance of the crowd who knew nothing about it and voted to instruct the Senate to ratify the treaty that was to bring universal peace. When I first asked for the report of the Committee on Foreign Relations, it was with the expectation that I might take some part in forwarding this movement toward universal peace. But when I read the report of the majority of that committee, and read the treaty itself, I was thoroughly convinced that the Senator from Massachusetts was right in preparing that majority report, and in pointing out that this proposed treaty, instead of being an aid to universal peace, was calculated to create more differences between the United States and the country making the agreement with the United States than perhaps any other cause that could possibly arise.

In the last of his report the Senator from Massachusetts recommends, and the majority of the committee recommend, that the third clause of article 3 be stricken out. That is the clause which provides that the joint high commission can consider the differences existing between the two contracting parties, and make a report which will determine whether they are the subject of arbitration under this treaty, and it provides that if the joint high commission determines that the subject matter is one covered by article 1, then we are to arbitrate it. The Senator from Massachusetts in this report points out clearly that the effect of the third clause of article 3 in the proposed treaty gives the joint high commission authority to determine whether the difference is of an arbitral character.

Let us take an illustration. Suppose that this treaty was adopted in its present shape and a dispute should arise between the United States and Great Britain. The President thinks it the subject of arbitration. He refers it to the Senate. The Senate believes that it is not the subject of arbitration and rejects the proposition to arbitrate. Then it goes to the joint high commission. The Senate has already passed judgment that it is not the subject of arbitration. Yet the joint high commission takes it up, and the joint high commission after investigating it determines that it falls within article 1 and that we have agreed to arbtrate it. Then what does this third clause do?

Mr. BURTON. Will the Senator from Georgia yield for a question in that connection?

Mr. SMITH of Georgia. Yes.

Mr. BURTON. Does the Senator maintain that this treaty provides for any such situation as that?

Mr. SMITH of Georgia. I certainly do.

Mr. BURTON. Does not the third article pertain to a case in which the executive departments do not agree as to whether the question is justiciable? Does the Senator maintain that after the Senate has rejected a special agreement we provide for arbitration?

Mr. SMITH of Georgia. Will the Senator point to me any language in this treaty that limits it to the President?

Mr. BURTON. It is perfectly plain from the whole provision that it is for a case in which the executive departments do not agree.

Mr. SMITH of Georgia. It is perfectly plain to me that it means much more.

Mr. BURTON. Nothing could come to the Senate except in a case of disagreement.

Mr. SMITH of Georgia. It certainly could. The President and the representative of Great Britain agree that it is the subject of arbitration, and the President undertakes to prepare a special agreement to arbitrate. He sends it to the Senate for their determination, and the Senate determines that it is not a subject for arbitration under article 1. Then the joint high commission comes in and takes up the subject under the terms of this treaty. There is not a line in the treaty that limits submission to the joint high commission when the President alone has decided the difference not one for arbitration. It says that if either of the parties holds the subject of dispute not to be covered by article 1 it can be referred to the joint high commission. What constitutes the parties? Not the President alone. The President and the Senate constitute the one party to act for the United States. It takes the joint view of both of them to act. How can the Senate, in view of the effect of this treaty, agree to it? The Senator himself signed the report disapproving article 1.

Mr. BURTON. Mr. President——

The PRESIDING OFFICER. Does the Senator from Georgia yield further to the Senator from Ohio?

Mr. SMITH of Georgia. Certainly.

Mr. BURTON. It is not, perhaps, specially important whether I disapprove of article 1 or not. The Senator from Georgia, however, is in error in saying that. My report is contained here on page 11, in which I state:

> The treaty, as it now is, seems to me to sufficiently safeguard national interests and the rights and prerogatives of the Senate. Hence I submit the following additional minority report.

Mr. SMITH of Georgia. I should like to ask the Senator just one question. Did he not join with the Senator from New York in the proposed resolution?

Mr. BURTON. In a general way, but with this modification, stating that I did not altogether agree with my two colleagues, and then stating this specific, distinct exception, that I regarded the treaty as sufficiently safeguarding national interests and the rights of the Senate.

Mr. SMITH of Georgia. I would not misconstrue the attitude of the Senator from Ohio, and I am glad he corrected me. I was under the impression that the Senator from New York, the Senator from Illinois, and the Senator from Ohio, all three, agreed on the plan of the Senator from New York for ratification. If they did not, it is simply another illustration showing how impossible it is for us to agree about this treaty.

Mr. BURTON. The further fact should be stated, Mr. President, that the Senators who concurred unqualifiedly in the minority agreement did not regard it as necessary to put in any qualifying resolution, but said such a clause may well be in with a view of putting the question beyond peradventure, not because there was any necessity for it.

Mr. SMITH of Georgia. Of course, it would not do to adopt a treaty if the language was doubtful, and something was required to take that doubt out. Of course, if the Senators thought something was necessary to take out the doubt we would be in favor of doing what was necessary to take it out before we adopted the treaty.

Mr. SMITH of Michigan. Mr. President——

The PRESIDING OFFICER. Does the Senator from Georgia yield to the Senator from Michigan?

Mr. SMITH of Georgia. Certainly.

Mr. SMITH of Michigan. It may not be inappropriate to remind the Senator from Georgia that the Committee on Foreign Relations as a committee had no doubt about it, and recommended that the third clause of article 3 be stricken out.

Mr. SMITH of Georgia. I have called attention to the report, and I have given credit to the Senator from Massachusetts as the member of the committee presenting the report for the view expressed in it, which, when I read, convinced me, and the conviction was so strong that it has been lasting, that the third clause of article 3 must come out of this treaty or it ought to be defeated. That is the report of the majority of the committee. That is the closing advice of the majority of the committee. I accepted that advice from the majority. I accepted it with my knowledge of the broad experience of the Senator from Massachusetts [Mr. LODGE] and the Senator from Georgia [Mr. BACON]. I became convinced they were right, and nothing that has been said since by the Senator from Massachusetts or the Senator from New York has caused me to doubt the fact that the majority of the committee was right in their first report.

Now, Mr. President, I sent to the desk the speech of the President of the United States, giving his view of what was meant by the third clause of article 3. The Senator from New York presents the opinion of the Secretary of State. I present the opinion of the President of the United States. They cross each other. The Secretary of State tells us that even if we say we will refer this matter to the joint high commission, and even if we say we will abide by its decision and arbitrate the question, if the commission hold that under this treaty we agreed to arbitrate, the Secretary of State tells us that all the Senate has to do is to go back on that agreement and to decline to arbitrate if it desires to do so.

I admit the power; I deny the right. I deny that the Senate can approve a treaty which provides for a joint high commission to decide between Great Britain and the United States the question as to whether a certain difference falls within article 1 and agrees under the treaty that if that joint high commission determines that the difference falls within article 1 we will then arbitrate it. I deny that we can make an agreement of that sort and afterwards repudiate the finding of the joint high commission and preserve our sense of obligation. I grant we have the power; I grant that after any board of arbitration makes a finding against the United States, no matter how displeasing to us, we have the power to decline to comply with it. There is no judge to enter a decree and no sheriff to enforce it. Arbitration treaties and international agreements stand upon honor, or else they are enforced by battleships.

I am unwilling to see our country make an agreement that we will arbitrate the question as to whether a particular difference is covered by an agreement we have made to arbitrate it and then go back on the finding of the board. I do not believe Senators are willing to make an arbitration treaty and provide in it that if there is a disagreement between the two countries as to whether the subject matter of our difference is one which we have already agreed to arbitrate under the treaty, then we will arbitrate the question as to whether it is subject to arbitration and yet say if we lose before this joint high commission we will not stand up to it.

Mr. President, let us look at it a little further. Great Britain is in the same position we are. She agrees to it also. If she loses she is obliged to stand up and go on with the arbitration; but if we lose we are to bring it back to the United States Senate and go back on our agreement to arbitrate. That is the position the Senators are putting us in, are seeking to put the country in. We leave in the third clause to article 3, by which if we can not agree as to whether a particular dispute is subject to arbitration we will arbitrate that. Suppose we gain in a reference to the joint high commission, Great Britain having been on the other side, the difference being one we wished to arbitrate and Great Britain did not wish to arbitrate.

Great Britain must abide the decision of the joint high commission, but we, under the resolutions of ratification proposed now by the Senator from Massachusetts, arrange to refer it back to the Senate to have a chance to repudiate it.

The language of the resolutions of ratification of the treaty proposed now by the Senator can not commend them to Senators if read carefully. I wish the Secretary to read them for me. I ask Senators to carefully note the first resolution, which declares that we are fixing to arbitrate everything, and the second resolution, which says that we are seeking to reserve the constitutional power of the Senate in an agreement to arbitrate everything, so that we can avoid arbitration.

The PRESIDING OFFICER. The Secretary will read the resolutions as requested.

The SECRETARY. The resolutions submitted by Mr. LODGE, January 11, 1912, are as follows:

> *Resolved (two-thirds of the Senators present concurring therein)*, That the Senate advise and consent to the ratification of a treaty signed by the plenipotentiaries of the United States and Great Britain on August 3, 1911, extending the scope and obligation of the policy of

arbitration adopted in the present arbitration treaty of April 4, 1908, between the two countries, so as to exclude certain exceptions contained in that treaty, and to provide means for the peaceful solution of all questions of difference which it shall be found impossible in future to settle by diplomacy.

Resolved further, That the Senate advise and consent to the ratification of the treaty with the understanding, to be made a part of such ratification, that any joint high commission of inquiry to which shall be referred the question as to whether or not a difference is subject to arbitration under Article I of the treaty, as provided by Article III thereof, the American members of such commission shall be appointed by the President, subject to the advice and consent of the Senate, and with the further understanding that the reservation in Article I of the treaty that the special agreement in each case shall be made by the President, by and with the advice and consent of the Senate, means the concurrence of the Senate in the full exercise of its constitutional powers in respect to every special agreement whether submitted to the Senate as the result of the report of a joint high commission of inquiry under Article III or otherwise.

Mr. SMITH of Georgia. Now, Senators, the first resolution reiterates the proposition that we are striking out the exceptions to the present treaty. It reiterates the proposition that we are providing to settle every dispute. The second resolution does not vary from the first, except that it says we are not to waive any constitutional authority of the United States Senate. Under a resolution of that kind, adopting a treaty which expressly declared that the joint high commission could pass upon a dispute between us and determine whether it was the subject of arbitration, and that we would be bound by it, do you suppose that any foreign country would suspect us in that little expression about constitutional authority of the Senate of having reserved the right to repudiate the decision of the joint high commission after it was made?

The Senator from Massachusetts objects to striking out the third clause of article 3 for fear it may prevent us from carrying through the treaty. Senators, could any foreign country prefer for us to leave it in when we were not going to stand up to it—when we had fixed a little way in the second resolution to get out from under it?

The Senate declines to concede to the view of the President that a particular dispute is the subject of arbitration under article 1. The joint high commission hears it and determines that it is the subject of arbitration. If we do not follow the action of that joint high commission, we simply repudiate the third clause of article 3.

I am in favor of either standing up to it or taking it out. If we are ready to arbitrate every difference, let us say so, and put no reservations in our resolutions of ratification. If we are not willing to arbitrate every difference, let us say so. Let us not seek to kill the third clause of article 3 by that second resolution, when one-half the people we deal with would not understand that we are killing it, when we do not know ourselves whether we kill it.

The resolution provides that we shall preserve the constitutional authority of the Senate. The able Senator from New York in his report declared that we had a right to create this joint high commission, and that we had a right to refer to it the question of determining what was and what was not the subject of arbitration; that it was constitutional to make such an agreement. If that is so, the last resolution does not preserve anything to the Senate.

Differences may arise which, I think, we nearly all feel can not be arbitrated. Now, if we are not to arbitrate them, let us say so. If we are to arbitrate every difference, let us say so. I do not believe one-half the Senate is willing for the joint high commission to determine what shall be arbitrated and what shall not.

How I wish the Senator from Massachusetts would stand by his original report and come to our help and strike out the third clause in article 3. Strike it out, and the embarrassment is largely gone. Qualify article 1 with the two provisions inserted by the Senator from New York in his first resolution of ratification and I think the entire Senate, practically, will come to the support of the treaty.

The real trouble is that the President has planted himself on the third paragraph of article 3 and has insisted upon it in all of its power and force. Then let us give it to him or not give it to him. Let us not profess to give it to him and put a doubtful clause in the last resolution of ratification that is to kill it. Let us say what me mean and stand by what we say.

Mr. President, no man upon the floor of the Senate desires universal peace more than I do, but I do not believe that the ratification of a treaty, the language in which is so doubtful, will help the cause of peace.

I know that the adoption of a treaty containing language which is to give us the opportunity to, perhaps, mislead the country with whom we contract, and to disregard an obligation which that country supposed we had made, will subject our country to just criticism.

There is a way for a great and immediate contribution toward universal peace.

The United States is the richest nation in the world. It has a larger number of white inhabitants than any other nation. It is separated by oceans from any possible enemies. Its relations with the great nations of the world are cordial.

Let us invite Great Britain and France to join us in a real effort for universal peace. Let us invite Germany also. I understand that Germany was ready to make a general arbitration treaty with us. Let us invite Russia, also. I regret that we so hastily recalled our treaty with Russia last December. Let us ask these great countries to join with us in that step which would actually lead toward universal peace; let us ask them to join with us in reducing the size of standing armies and in stopping the construction of battleships. This will be the great step in behalf of universal peace, and I believe ours is the country to ask for it. If that is done and the great nations will join with us in the movement, the time will be not far off when at least the danger of war with any of the great nations of the world will have passed.

I do not mean that such an agreement should contemplate an interference with domestic troubles like those existing in Mexico, but I do know that such an agreement would bring into cooperation practically all of the nations of the world and could be carried to such an extent as to prevent international war.

Then would we put an end to the danger of the loss of life by battle! Then would we lessen the burdens put on the masses of the people by excessive taxation! And then would the increase of money in the treasuries of the world make it possible to better train the individual citizen and prepare him to meet the responsibilities of life, to carry its burdens, and to enjoy its pleasures!

Mr. THORNTON. Mr. President, I do not propose to make an argument on the subject of the pending arbitration treaties, but to very briefly define my position upon them. Before the recess for the Christmas holidays had been taken I had formed an opinion on the matter of these treaties and had expressed it to one of their leading advocates in this body who was anxious to have the treaties ratified without amendment. That opinion was that I would give my consent to vote for the ratification of the treaties provided the right of the Senate to say what questions should be submitted to arbitration should be absolutely safeguarded by suitable amendments or resolutions. The views I then had on the subject have not been changed by the subsequent discussion of the measures on the floor of the Senate.

I deem it proper to say that I am a right peaceable man, unless possibly under stress of undue provocation [laughter], and while I believe generally in peace between nations as well as between individuals, I am not a peace-at-any-price man. Like the Senator from Georgia [Mr. BACON], who has addressed us on this question, I am one of the few members of this body who have been personal participants in actual warfare, and therefore have a realizing sense of its horrors; yet I can conceive of circumstances under which my national pride and national loyalty would make me think that war, with all of its horrors, would be preferable to peace with all of its blessings. I do not think that any question involving the national honor of my country should ever be submitted to arbitration, and I could never give my consent to such a submission.

For the reason that the amendment of the Senator from Georgia and the resolution of the Senator from Massachusetts make the Senate the final arbiter of all questions which are to be submitted for arbitration, I will, if either of them is adopted, vote for the ratification of these treaties; but otherwise I will never do so.

Mr. BURTON. Mr. President, I shall only have time in a very fragmentary way to meet certain objections which have been made to the pending treaties.

In the first place, I think it is only fair that the fog relating to an alleged difference of opinion between the President and the Secretary of State which has been created should be dispelled. Both alike concur in the opinion that after a decision by the joint tribunal of inquiry that a question is justiciable it must go to the Senate for ratification of the special agreement. In an utterance by the President and in a publication known as the Dawn of World Peace, reprinted by permission from the Woman's Home Companion of November, 1911, after referring to the contention that the decision of the joint high commissioners is final, the President says this:

This interpretation is not justified, and the very language of the treaty, which I have quoted, proves it. This language does not impair and can not fairly be construed as changing in any way, in cases arising under article 3, the procedure with reference to special agreements consented to by the Senate under article 1. In one case under article 1 the executive branches of the Governments concerned decide

at the outset that the question is justiciable and should be submitted to arbitration. In the latter case the commission so decides, but in both cases the subsequent procedure is the same.

Mr. President, I do not think it makes very much difference what view we take of this question. The resolution offered by the Senator from Massachusetts [Mr. LODGE] is pending here, asserting the rights of the Senate. I do not believe the adoption of that resolution is necesary in order to bring a decision of the joint high commission before this body, but there are two opinions here. One opinion is to the effect that it is not necessary, that the prerogatives of the Senate are secure; the other, that it is necessary to have that kind of a resolution to make them secure. The resolution of ratification of the Senator from Massachusetts removes all doubt, and I do not see why there should be any hesitation in passing it.

In some remarks made on a prior occasion I sought to show that the treaties in the form in which they were drawn provided that in any event, whether under article 1 or under article 3, it was necessary that the agreements should come here. It seems to me that the plain English makes this conclusive. It is stated at the end of the so-called objectionable clause of article 3:

> And if all, or all but one, of the members of the commission agree and report that such difference is within the scope of article 1, it shall be referred to arbitration in accordance with the provisions of this treaty.

In article 1 there is set forth with some degree of elaboration the method of submitting any question to arbitration. It is, among other things, provided by this article that the executive heads of the two countries shall enter into a special agreement, the terms and the scope of which shall define the controversy and the procedure, and shall specify whether the question shall go to The Hague or to a special tribunal, and that this special agreement can only be made by and with the advice and consent of the Senate. Article 3 would be absolutely ineffective unless we reinforce it with the procedure provided in article 1; in other words, an agreement under article 3 by this joint high commission brings it to the same position which it would have under article 1, and you then begin with these words:

> Shall be submitted to the permanent court of arbitration established at The Hague by the convention of October 18, 1907.

An argument was brought forward here a moment ago—I do not think very seriously—that this special agreement could go to the arbitrators without any reference to the Senate. Mr. President, anyone who will carefully read this first article will see that there is no basis whatever for that position, because it is stated in the clearest language, "as may be decided in each case by special agreement"; that is, whether it goes to The Hague or to a special tribunal, and this special agreement can only be made "by and with the advice and consent of the Senate."

In that connection it has also been alleged with somewhat more seriousness that a controversy might be presented by the President to the Senate, the Senate might reject it, and then it would go, without further executive action, to this joint high commission.

The language of the treaty is conclusive that such is not the case, for it provides that the submission to this commission must be made by the heads of the respective governments—the high contracting parties, as they are termed. In the very preamble to the treaty there is this expression:

> The high contracting parties have—

Then omitting some portions which are immaterial—

> for that purpose appointed as their respective plenipotentiaries—

Then it goes on to enumerate—

> The President of the United States of America, the Hon. Philander C. Knox, Secretary of State of the United States; and
> His Britannic Majesty, the Hon. James Bryce, O. M., ambassador extraordinary and plenipotentiary at Washington.

This affords a clear definition of what is meant by the "high contracting parties."

Thus, Mr. President, it is perfectly clear to my mind that under article 3 a decision of this joint high commission of inquiry brings a controversy to the same position in which it would have been had there been an agreement between the King of Great Britain or his ministers on the one side and the President of the United States and his Secretary of State on the other. In the latter case it is agreed at the outset that it is justiciable, while in the former case the decision that it is justiciable is reached by the interposition of the commission of inquiry. In both cases this question must go to the Senate. I dismiss that, however, as unworthy of further attention, and because further argument is unnecessary, since the resolution of ratification provides for the situation created by a report of the commission of inquiry under article 3.

But it is alleged, Mr. President, that this is but an entering wedge for an alliance with Great Britain. With all due respect to those who make this allegation, it is a chimera, a baseless vision of the imagination. This country of ours is not going to enter into entangling alliances; we are not going to depart from the policy of a hundred years, laid down by the fathers of the Republic and dictated and determined by every consideration of public policy.

Mr. HITCHCOCK. Mr. President——

The VICE PRESIDENT. Does the Senator from Ohio yield to the Senator from Nebraska?

Mr. BURTON. Certainly.

Mr. HITCHCOCK. I think the Senator from Ohio has forgotten that he himself has been widely quoted in the public press as being of the opinion that this treaty would probably lead to other agreements between the United States and Great Britain in the nature of an alliance.

Mr. BURTON. Mr. President, I indulge in what perhaps is the indiscretion of patronizing a clipping bureau, and I did see a paragraph to that effect in a newspaper, which shall be nameless, in New York City. It is unnecessary for me to state to the Senator from Nebraska that it was utterly without any foundation, and I did not, of course, dignify it with any denial. It is possible that lucubration was copied into some other newspaper, but I trust it did not get into the paper of which the Senator from Nebraska is the proprietor.

Mr. HITCHCOCK. The paper to which I refer, in which the interview originated, was a paper published in the city of Cleveland, known to be very friendly to the Senator from Ohio, and often the medium in which he publishes views on public questions.

Mr. BURTON. I should like to know to what paper you refer.

Mr. HITCHCOCK. I refer to the Cleveland Leader. In the Cleveland Leader of March 11, 1911, Senator BURTON is quoted at considerable length, and, among other things, he said:

> Of course, that is a separate treaty between two nations, and its effect would not be changed directly. However, the making of an arbitration treaty with Great Britain probably would lead to a definite expression of England's position and, little by little, to other relations between the three countries——

Mr. BURTON. What is that last sentence?

Mr. HITCHCOCK (reading):

> The three countries—

That is, Great Britain, Japan, and the United States—

> possibly to an alliance between them. That would do away with any fear of hostilities between Japan and the United States.

Mr. BURTON. The language as used there does not involve any alliance in the sense in which the term is usually employed.

Mr. HITCHCOCK. It reads "possibly to an alliance between them."

Mr. BURTON. I beg the Senator to take my assurance that I never used any language of that kind.

Mr. WILLIAMS. Mr. President——

The VICE PRESIDENT. Does the Senator from Ohio yield to the Senator from Mississippi?

Mr. WILLIAMS. Will the Senator from Ohio yield just for a suggestion there to this effect, that if this treaty with Great Britain be an alliance with Great Britain, then the identical treaty with France will be an alliance with France; the identical treaty with Germany will be an alliance with Germany; and the identical treaty with Italy will be an alliance with Italy; and when we get through the United States will be in alliance with everybody?

Mr. BURTON. It would be very well, I will say here, whether so stated in a newspaper or not, to have an alliance, not for war, not for offense or aggression, but for peace. Some language used by Sir Edward Grey in the English House of Commons has been quoted very extensively to show that he expected an alliance with the United States. His language has been very much misunderstood. He had in view only such arrangements among the nations as would keep the peace.

Mr. REED. Mr. President——

The VICE PRESIDENT. Does the Senator from Ohio yield to the Senator from Missouri?

Mr. BURTON. Yes.

Mr. REED. Would the Senator from Ohio, upon the strength of these treaties, be willing to cut down the military appropriations and quit building battleships?

Mr. BURTON. If these treaties are followed by other treaties; yes. In a measure they furnish grounds for abating our military and naval program if they are carried into effect by the countries interested. We can not accomplish everything in a day. The Senator from Missouri knows that no one has been more strenuous than I have been in opposing the ambitious battleship program of recent years; and I am promoting the same views in advocating the adoption of these treaties.

Mr. REED. Does the Senator from Ohio think there is any confidence manifested in them when we are asked not only to continue our military appropriations, but when England, Germany, and France are enormously increasing their armaments?

Mr. BURTON. Of course no one can speak for those who are making these recommendations. I, at least, do not pretend to do so. On the other hand, we can not accomplish in a day the great results which would follow from the general adoption of a policy of arbitration. There is no one who imagines for a minute that these treaties are going to create any millennium or even bring us to the gates of a millennium of peace. The most that we can say is that they are the best arbitration treaties that have been framed and they mark an advance in the great movement for peace and for the decrease of war.

It has been said here, Mr. President, that these treaties arbitrate everything. Look at their wording. The first article provides:

All differences hereafter arising between the high contracting parties, which it has not been possible to adjust by diplomacy, relating to international matters in which the high contracting parties are concerned by virtue of a claim of right made by one against the other under treaty or otherwise, and which are justiciable in their nature by reason of being susceptible of decision by the application of the principles of law or equity, shall be submitted to the Permanent Court of Arbitration established at The Hague.

Under the second article a somewhat wider range of controversies may be submitted, but the finding of the commission is not conclusive or binding, and I think it comes with very poor grace for us, who have been among the most prominent in The Hague convention, who have recommended commissions of inquiry, who have recommended, indeed, by our diplomatic representatives compulsory agreements in submitting certain controversies to such commissions, to come in here and say that we shall be incurring danger by leaving any controversy to a commission of inquiry when the provision is protected by a condition that the finding shall not be conclusive or binding.

Mr. President, I sincerely hope that the third clause of article 3 will not be voted out, because it is the very best feature of this whole treaty. First, when there is general agreement between the executive heads of the respective countries that a controversy shall be arbitrated, it goes to arbitration, subject, of course, to the ratification of the Senate. Second, there is this provision, that any dispute may be referred to a commission of inquiry, but that the decision shall not be binding; and to that is joined a most helpful condition, that on the request of either of the parties there may be a delay of one year to give time for that deliberation which, if it would not have prevented all wars, would have prevented many of the bloodiest and most disastrous contests in the history of the world. Third, when there is a disagreement between the executive heads of the two countries, then the question may be left to a commission of inquiry to determine whether it is justiciable. That commission of inquiry can make no decision that has any greater binding force or sanction than would be true in case there is no dispute about their arbitrable quality. The provision for a commission, too, gives the opportunity for a comparison of views, for argument, and for delay, if necessary, for the interposition of diplomacy to see if the question can be settled, and then the question is left again to the Senate.

Mr. REED. Mr. President——

The VICE PRESIDENT. Does the Senator from Ohio yield further to the Senator from Missouri?

Mr. BURTON. I very much regret that I have only a few moments more, but if the question is very brief——

Mr. REED. It is just a brief question.

Mr. BURTON. Very well.

Mr. REED. Suppose that during that year of delay, when our hands are absolutely tied, some foreign country was fortifying a position it had obtained in South America, would the Senator be willing that we should have our hands tied for that year of time?

Mr. BURTON. Our hands would not be tied in the slightest degree.

Mr. REED. How would we avoid it?

Mr. BURTON. One of the things most carefully provded for in The Hague convention is that the delay necessary for a decision shall not prevent the mobilization of troops and shall not prevent preparation for war. Nothing in these treaties forbids preparation for war. The Senator from Missouri, I think, if he reads them, will agree with me in the conclusion that it does not mean anything of the kind.

Then there has been a certain amount of discussion here in good faith as to the rights of the Senate. In either case, whether the question comes to us from the Executive department or from this commission of inquiry, there is a moral obligation not to refuse arbitration in a proper case. We can not carelessly or under the dictates of selfishness or a disposition for national aggrandizement refuse to arbitrate. We must exercise good faith and honor. The legal right does exist to refuse to ratify an agreement, whether it comes to us as the result of a finding that is justiciable under article 3 or under article 1. Under either article there is a recognition of the fact that the Senate of the United States is a part of the treaty-making power. But the treaty recognizes the further fact that these are arbitration treaties whose provisions are not to be disregarded. We have already entered into engagements of the same character.

It has been said here that England would be at a great disadvantage, as England does not have a chance to refer the question to a senate. I have no fear but the English Government will take care of itself; but there is a very substantial concession made here to the United Kingdom of Great Britain and Ireland in that self-governing colonies may consider propositions pertaining to them. Their consent is required as well as the ratification of the Senate.

Mr. President, what is the gain of ratifying these treaties? The greatest credit is due to the late administration of President Roosevelt and to the then Secretary of State, Mr. Root, for negotiating and securing the ratification of the treaties of 1908 with a number of nations. They went to the high-water mark that was possible at that time; they made a great advance; but all those treaties contained certain exceptions—honor, vital interests, independence, and questions in which the interests of third parties are concerned. Two of those expressions—"honor and vital interests"—are so vague, so nonsusceptible of definition that so long as they appear in a treaty we can have no certainty of beneficial or salutary results. This treaty establishes a standard which is the only correct one, a standard under which arbitration may assume increasing importance as peace and good will increase and international jurisprudence includes a larger number of questions, the standard of justiciability, of right between nation and nation the same as between man and man. Constant friction and irritation would arise if the treaty made exceptions of questions of honor, vital interests, and questions involving third parties. Either nation might hide behind the vagueness and indefiniteness of those words. The words of the pending treaties have not received absolute definition—the Senate would have a right to decide whether a question was justiciable—but they are based on the right principle for the growth of peace among nations. For that reason, Mr. President, I urge their ratification. Furthermore, to reject these treaties to-day and place ourselves in the position of rejecting the advances of other nations would be to put ourselves out of line with that great march of progress toward a better day of amity and good will, in which in the past we have borne so prominent a part.

The VICE PRESIDENT. The hour of 4.30 o'clock having arrived, the question first is upon the first amendment to the treaty recommended by the committee, which the Secretary will report. The treaty has not been read in full. Is there objection to dispensing with the first formal reading of the treaty? [A pause.] The Chair hears none.

The SECRETARY. In the print of August 5, 1911, on page 3, line 4, it is proposed after the word "tribunal" to insert a comma, and in the same line to strike out "may" and in lieu thereof to insert the word "shall," so that if amended it will read:

Or to some other arbitral tribunal, as shall be decided in each case by special agreement.

The VICE PRESIDENT. Without objection the amendment is agreed to. The Secretary will state the next amendment.

The SECRETARY. On page 4, article 3, beginning with line 28, it is proposed to strike out the third paragraph of that article, which reads as follows:

It is further agreed, however, that in cases in which the parties disagree as to whether or not a difference is subject to arbitration under article 1 of this treaty, that question shall be submitted to the joint high commission of inquiry; and if all or all but one of the members of the commission agree and report that such difference is within the scope of article 1, it shall be referred to arbitration in accordance with the provisions of this treaty.

Mr. ROOT. I rise for the purpose of a parliamentary inquiry.

The VICE PRESIDENT. The Senator will state it.

Mr. ROOT. It is, What is the position of the amendment in view of the action of the Senator from Massachusetts, who was in charge of the treaty, under the authority of the Committee on Foreign Relations, and who has offered a resolution for the ratification of the treaty without amendment? Does the resolution offered by the Senator from Massachusetts, in effect, withdraw the amendment?

Mr. CLARKE of Arkansas and several other Senators. No.

Mr. LODGE rose.

Mr. ROOT. The Senator from Massachusetts can state his intention, I suppose.

Mr. LODGE. The amendment now pending was the report of the Committee on Foreign Relations, and is still that report. Personally, I shall vote against it. It is the report of the majority of the committee.

The VICE PRESIDENT. It is to strike out the matter which the Secretary has just read. The question is on agreeing to strike it out.

Mr. CLARKE of Arkansas. On that I demand the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. CLARK of Wyoming (when his name was called). I have a general pair with the senior Senator from Missouri [Mr. STONE]. On this particular amendment I transfer the pair to the junior Senator from North Dakota [Mr. GRONNA], and will vote. I vote "nay."

Mr. SHIVELY (when the name of Mr. DAVIS was called). The junior Senator from Arkansas is paired with the senior Senator from South Dakota [Mr. GAMBLE]. Were the junior Senator from Arkansas present he would vote "yea."

Mr. SHIVELY (when Mr. STONE'S name was called). The senior Senator from Missouri [Mr. STONE] was paired with the Senator from Wyoming [Mr. CLARK], and the pair has been transferred. Were the senior Senator from Missouri present he would vote "yea."

The roll call was concluded.

Mr. JONES. My colleague [Mr. POINDEXTER] has been called out of the city on account of the serious illness of his mother. He has advised me how he would vote on some amendments, but not on this one. So I can not say how he would vote on the pending amendment.

Mr. LEA. I desire to state that the senior Senator from Tennessee [Mr. TAYLOR] is necessarily absent from the city. I do not know how he would vote on this amendment.

Mr. BORAH. I wish to announce that my colleague [Mr. HEYBURN] is necessarily absent. If he were present, he would vote "yea."

The result was announced—yeas 42, nays 40, as follows:

YEAS—42.

Bacon	Dixon	Martin, Va.	Shively
Bailey	Fletcher	Martine, N. J.	Simmons
Bankhead	Foster	Myers	Smith, Ga.
Borah	Gardner	Newlands	Smith, Md.
Bourne	Gore	O'Gorman	Smith, Mich.
Bristow	Hitchcock	Overman	Smith, S. C.
Bryan	Johnson, Me.	Owen	Swanson
Chamberlain	Johnston, Ala.	Paynter	Tillman
Chilton	Kern	Percy	Watson
Clarke, Ark.	Lea	Pomerene	
Culberson	Lorimer	Reed	

NAYS—40.

Bradley	Cullom	Lodge	Root
Brandegee	Cummins	McCumber	Smoot
Briggs	Curtis	McLean	Stephenson
Brown	Dillingham	Nelson	Sutherland
Burnham	du Pont	Nixon	Thornton
Burton	Gallinger	Oliver	Townsend
Clapp	Guggenheim	Page	Warren
Clark, Wyo.	Jones	Perkins	Wetmore
Crane	Kenyon	Rayner	Williams
Crawford	Lippitt	Richardson	Works

NOT VOTING—9.

Davis	Heyburn	Penrose	Stone
Gamble	La Follette	Poindexter	Taylor
Gronna			

So the committee's amendment was agreed to.

The VICE PRESIDENT. Are there other amendments to be offered to the treaty?

Mr. CULBERSON. I offer the amendment I send to the desk.

The VICE PRESIDENT. The Senator from Texas offers an amendment, which will be stated.

The SECRETARY. In the first paragraph of article 1, after the word "equity," at the top of page 3, line 1, insert the following words:

But which shall not embrace any question which affects the vital interests, the independence, or the honor of either of the two contracting parties, nor any question which concerns the interests of third parties.

The VICE PRESIDENT. The question is on agreeing to the amendment proposed by the Senator from Texas. [Putting the question.] The "noes" appear to have it.

Mr. CULBERSON. I ask for the yeas and nays.

The yeas and nays were ordered.

The Secretary proceeded to call the roll, and Mr. BACON and Mr. BAILEY answered to their names.

Mr. BORAH. A number of us here did not hear the amendment. We would like to have it stated again.

The VICE PRESIDENT. Without objection, the amendment will be restated.

The Secretary restated the amendment.

The VICE PRESIDENT. The Secretary will resume the call of the roll.

The Secretary resumed the calling of the roll.

Mr. CLARK of Wyoming (when his name was called). I have a general pair with the Senator from Missouri [Mr. STONE]. Not knowing how he would vote on this question, I withhold my vote.

Mr. SHIVELY (when the name of Mr. DAVIS was called). I again announce the pair of the junior Senator from Arkansas [Mr. DAVIS] with the senior Senator from South Dakota [Mr. GAMBLE].

Mr. LEA (when Mr. TAYLOR'S name was called). I again announce the absence of the senior Senator from Tennessee [Mr. TAYLOR]. I do not know how he would vote on this amendment.

The roll call was concluded.

Mr. CLARK of Wyoming. Upon further information I will transfer the pair I have with the Senator from Missouri [Mr. STONE] to the Senator from North Dakota [Mr. GRONNA], and will vote. I vote "nay."

Mr. SHIVELY. To whom does the Senator from Wyoming transfer his pair?

Mr. CLARK of Wyoming. To the junior Senator from North Dakota [Mr. GRONNA].

Mr. SHIVELY. I neglected to state when the name was called that the Senator from Missouri [Mr. STONE] was paired on this vote with the Senator from Wyoming [Mr. CLARK]. The Senator from Wyoming now announces a transfer of his pair.

Mr. JONES. As I have heretofore stated, my colleague [Mr. POINDEXTER] has been called out of the city by the serious illness of his mother. I do not know how he would vote on this question if he were present.

The result was announced—yeas 37, nays 45, as follows:

YEAS—37.

Bacon	Gardner	Newlands	Smith, Ga.
Bailey	Hitchcock	O'Gorman	Smith, Md.
Bankhead	Johnson, Me.	Overman	Smith, S. C.
Borah	Johnston, Ala.	Paynter	Swanson
Chamberlain	Kern	Percy	Thornton
Chilton	Lea	Pomerene	Tillman
Clarke, Ark.	Lorimer	Rayner	Watson
Culberson	Martin, Va.	Reed	
Fletcher	Martine, N. J.	Shively	
Foster	Myers	Simmons	

NAYS—45.

Bourne	Crawford	Lippitt	Smith, Mich.
Bradley	Cullom	Lodge	Smoot
Brandegee	Cummins	McCumber	Stephenson
Briggs	Curtis	McLean	Sutherland
Bristow	Dillingham	Nelson	Townsend
Brown	Dixon	Nixon	Warren
Bryan	du Pont	Oliver	Wetmore
Burnham	Gallinger	Owen	Williams
Burton	Gore	Page	Works
Clapp	Guggenheim	Perkins	
Clark, Wyo.	Jones	Richardson	
Crane	Kenyon	Root	

NOT VOTING—9.

Davis	Heyburn	Penrose	Stone
Gamble	La Follette	Poindexter	Taylor
Gronna			

So Mr. CULBERSON'S amendment was rejected.

Mr. BACON. I offer an amendment, notice of which I have heretofore given.

The VICE PRESIDENT. The Senator from Georgia offers an amendment, which will be stated.

Mr. LODGE. Is it an amendment to the treaty?

The VICE PRESIDENT. It is, as the Chair understands it.

Mr. GALLINGER. Yes.

Mr. LODGE. Is it an amendment to the treaty?

The VICE PRESIDENT. The Chair understands it is an amendment to the treaty, and it will be stated.

The SECRETARY. It is proposed to add the following proviso to the first clause of article 1:

Provided, That this agreement of arbitration does not authorize the submission to arbitration of any question which affects the admission of aliens into the United States, or the admission of aliens to the educational institutions of the several States, or the territorial integrity of the several States or of the United States, or concerning the question of the alleged indebtedness or moneyed obligation of any State of the United States, or any question which depends upon or involves the maintenance of the traditional attitude of the United States concerning American questions, commonly described as the Monroe doctrine, or other purely governmental policy.

The VICE PRESIDENT. The question is on agreeing to the amendment.

Mr. BACON. On that I ask for the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. CLARK of Wyoming (when his name was called). Under the transfer of pairs heretofore announced, I will vote. I vote "nay."

The roll call was concluded.

Mr. JONES. I desire to announce that if my colleague [Mr. POINDEXTER] were present, he would vote "yea" on this amendment.

The result was announced—yeas 41, nays 41, as follows:

YEAS—41.

Bacon	Foster	Myers	Smith, Ga.
Bailey	Gardner	Newlands	Smith, Md.
Bankhead	Gore	O'Gorman	Smith, S. C.
Borah	Hitchcock	Overman	Swanson
Bourne	Johnson, Me.	Owen	Thornton
Chamberlain	Johnston, Ala.	Paynter	Tillman
Chilton	Kern	Percy	Watson
Clarke, Ark.	Lea	Pomerene	Williams
Culberson	Lorimer	Reed	
Cummins	Martin, Va.	Shively	
Fletcher	Martine, N. J.	Simmons	

NAYS—41.

Bradley	Crawford	Lodge	Smith, Mich.
Brandegee	Cullom	McCumber	Smoot
Briggs	Curtis	McLean	Stephenson
Bristow	Dillingham	Nelson	Sutherland
Brown	Dixon	Nixon	Townsend
Bryan	du Pont	Oliver	Warren
Burnham	Gallinger	Page	Wetmore
Burton	Guggenheim	Perkins	Works
Clapp	Jones	Rayner	
Clark, Wyo.	Kenyon	Richardson	
Crane	Lippitt	Root	

NOT VOTING—9.

Davis	Heyburn	Penrose	Stone
Gamble	La Follette	Poindexter	Taylor
Gronna			

The VICE PRESIDENT. The nays have it, and the amendment is lost.

Mr. CHAMBERLAIN. I desire to offer the amendment which I send to the desk.

The VICE PRESIDENT. The Senator from Oregon offers an amendment, which will be read.

The SECRETARY. It is proposed to add the following proviso at the end of the first clause of article 1:

Provided, That this agreement of arbitration does not authorize the submission to arbitration of any question which affects the admission of aliens into the United States, or the admission of aliens to the educational institutions of the several States.

The VICE PRESIDENT. The question is on agreeing to the amendment proposed by the Senator from Oregon.

Mr. CHAMBERLAIN. On that I ask for the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. CLARK of Wyoming (when his name was called). I have a general pair with the senior Senator from Missouri [Mr. STONE]. I transfer that pair to the junior Senator from North Dakota [Mr. GRONNA], and I vote "nay."

Mr. BAILEY (after having voted in the affirmative, when Mr. DIXON's name was called). I only a moment ago paired with the Senator from Montana [Mr. DIXON], and under that impression he has left the Chamber. I withdraw my vote.

The roll call was concluded.

Mr. JONES. I announce the necessary absence of my colleague [Mr. POINDEXTER], with the statement that I do not know how he would vote on this amendment if he were present.

Mr. SHIVELY. I again announce the absence of the junior Senator from Arkansas [Mr. DAVIS] and that he is paired with the senior Senator from South Dakota [Mr. GAMBLE]. I also announce the absence of the senior Senator from Missouri [Mr. STONE], and that he has a general pair with the senior Senator from Wyoming [Mr. CLARK].

The result was announced—yeas 41, nays 38, as follows:

YEAS—41.

Bacon	Gardner	Newlands	Smith, Ga.
Bankhead	Gore	O'Gorman	Smith, Md.
Borah	Hitchcock	Overman	Smith, S. C.
Bourne	Johnson, Me.	Owen	Swanson
Chamberlain	Johnston, Ala.	Paynter	Thornton
Chilton	Kern	Percy	Tillman
Clarke, Ark.	Lea	Pomerene	Watson
Culberson	Lorimer	Rayner	Williams
Cummins	Martin, Va.	Reed	
Fletcher	Martine, N. J.	Shively	
Foster	Myers	Simmons	

NAYS—38.

Bradley	Crawford	Lodge	Smith, Mich.
Brandegee	Cullom	McCumber	Smoot
Briggs	Curtis	McLean	Stephenson
Bristow	Dillingham	Nelson	Sutherland
Brown	du Pont	Nixon	Townsend
Burnham	Gallinger	Oliver	Warren
Burton	Guggenheim	Page	Wetmore
Clapp	Jones	Perkins	Works
Clark, Wyo.	Kenyon	Richardson	
Crane	Lippitt	Root	

NOT VOTING—12.

Bailey	Dixon	Heyburn	Poindexter
Bryan	Gamble	La Follette	Stone
Davis	Gronna	Penrose	Taylor

So Mr. CHAMBERLAIN's amendment was agreed to.

The VICE PRESIDENT. Are there other amendments to the treaty? If not, the treaty will be reported to the Senate.

The SECRETARY. A treaty signed by the plenipotentiaries of the United States and Great Britain on August 3, 1911, extending the scope and obligation of the policy of arbitration adopted in the present arbitration treaty of April 4, 1908, between the two countries so as to exclude certain exceptions contained in that treaty and to provide means for the peaceful solution of all questions of difference which it shall be found impossible in future to settle by diplomacy.

The VICE PRESIDENT. Without objection the amendments recommended by the Committee of the Whole are concurred in.

Mr. BACON. I understood that the Senator from Massachusetts [Mr. LODGE] would offer a resolution.

Mr. LODGE. I am going to offer it now.

The VICE PRESIDENT. Without objection the amendments recommended by the Committee of the Whole are concurred in. Are there amendments to be offered to the treaty in the Senate?

Mr. LODGE. If the Chair will allow me, I think we are as in open executive session and not as in Committee of the Whole.

Mr. BACON. I was about to make the same point.

The VICE PRESIDENT. The rules provide for the same procedure in executive session as in open session. But the matter is disposed of to a point where a resolution of ratification is in order.

Mr. LODGE. I offer this resolution of ratification in lieu of the one which I presented, because the one that I presented is no longer necessary, the amendments having been made.

The VICE PRESIDENT. The Senator from Massachusetts offers a resolution of ratification, which will be read.

The Secretary read as follows:

Resolved (two-thirds of the Senators present concurring therein), That the Senate advise and consent to the ratification of the treaty between the United States and Great Britain respecting arbitration, signed at Washington on the 3d day of August, 1911, with the following amendments:

On page 3, line 4, after the word "tribunal," insert a comma.

In the same line strike out the word "may" and insert in lieu thereof the word "shall."

On page 4, strike out the paragraph commencing line 28 and ending line 35.

And at the end of the first clause of article 1 add the following proviso:

Provided, That this agreement of arbitration does not authorize the submission to arbitration of any question which affects the admission of aliens into the United States, or the admission of aliens to the educational institutions of the several States.

Mr. BACON. I offer as a substitute for the proviso the one I now send to the desk.

The VICE PRESIDENT. The Senator from Georgia offers an amendment in the form of a substitute for the proviso, which will be read.

The SECRETARY. In lieu of the proviso insert:

Provided, That the Senate advises and consents to the ratification of the said treaty with the understanding, to be made a part of such ratification, that the treaty does not authorize the submission to arbitration of any question which affects the admission of aliens into the United States, or the admission of aliens to the educational institutions of the several States, or the territorial integrity of the several States or of the United States, or concerning the question of the alleged indebtedness or monied obligation of any State of the United States, or any question which depends upon or involves the maintenance of the traditional attitude of the United States concerning American questions, commonly described as the Monroe doctrine, or other purely governmental policy.

The VICE PRESIDENT. The question is on agreeing to the amendment proposed by the Senator from Georgia to the resolution of ratification.

Mr. BACON. On that I ask for the yeas and nays.

The yeas and nays were ordered and taken.

Mr. JONES. I desire to state that my colleague [Mr. POINDEXTER] advised me that he is in favor of what is known as the Bacon amendment. I do not know whether this is the amendment which was originally proposed by the Senator from Georgia or not.

Mr. BACON. It is an amendment which I originally proposed. The amendment which was first offered I only proposed to-day, but the amendment upon which we are now voting I gave notice of at the time the Senator from New York first offered his amendment.

Mr. JONES. I understand, then, my colleague would vote yea on this amendment.

The result was announced—yeas 46, nays 36, as follows:

YEAS—46.

Bacon	Bourne	Chilton	Fletcher
Bailey	Bristow	Clarke, Ark.	Foster
Bankhead	Bryan	Culberson	Gardner
Borah	Chamberlain	Cummins	Gore

Hitchcock	Martin, Va.	Percy	Smith, S. C.
Johnson, Me.	Martine, N. J.	Pomerene	Swanson
Johnston, Ala.	Myers	Rayner	Thornton
Kenyon	Newlands	Reed	Tillman
Kern	O'Gorman	Shively	Watson
Lea	Overman	Simmons	Williams
Lorimer	Owen	Smith, Ga.	
McLean	Paynter	Smith, Md.	

NAYS—36.

Bradley	Crawford	Lippitt	Root
Brandegee	Cullom	Lodge	Smith, Mich.
Briggs	Curtis	McCumber	Smoot
Brown	Dillingham	Nelson	Stephenson
Burnham	Dixon	Nixon	Sutherland
Burton	du Pont	Oliver	Townsend
Clapp	Gallinger	Page	Warren
Clark, Wyo.	Guggenheim	Perkins	Wetmore
Crane	Jones	Richardson	Works

NOT VOTING—9.

Davis	Heyburn	Penrose	Stone
Gamble	La Follette	Poindexter	Taylor
Gronna			

So Mr. BACON's amendment to Mr. LODGE's resolution was agreed to.

The VICE PRESIDENT. The question is on agreeing to the resolution of ratification as amended.

Mr. LODGE. On that I ask for the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. SHIVELY (when Mr. DAVIS's name was called). I wish to state that on this vote the junior Senator from Arkansas [Mr. DAVIS], who is absent from the Chamber, is paired with the senior Senator from South Dakota [Mr. GAMBLE], and that if the junior Senator from Arkansas were present on this vote he would vote "yea."

Mr. CLAPP (when Mr. GRONNA's name was called). The junior Senator from North Dakota [Mr. GRONNA] is unavoidably absent from the Chamber. If he were present he would vote "yea."

Mr. SHIVELY (when Mr. STONE's name was called). I again announce the unavoidable absence of the senior Senator from Missouri [Mr. STONE], and that he has a general pair with the senior Senator from Wyoming [Mr. CLARK]. If the senior Senator from Missouri were present on this question he would vote "yea."

The roll call was concluded.

Mr. CRAWFORD. I desire to state that my colleague [Mr. GAMBLE] is necessarily absent, and that he is paired with the junior Senator from Arkansas [Mr. DAVIS]. If my colleague were present he would vote "yea."

Mr. JONES. I desire to announce the absence of my colleague [Mr. POINDEXTER], and to state that if he were present he would vote "yea."

Mr. LEA. I wish to state the necessary absence of the senior Senator from Tennessee [Mr. TAYLOR], and that if he were present he would vote "yea."

The result was announced—yeas 76, nays 3, as follows:

YEAS—76.

Bacon	Culberson	Lea	Richardson
Bailey	Cullom	Lippitt	Root
Bankhead	Cummins	Lodge	Shively
Borah	Curtis	McCumber	Simmons
Bourne	Dillingham	McLean	Smith, Ga.
Bradley	Dixon	Martin, Va.	Smith, Md.
Brandegee	du Pont	Myers	Smith, Mich.
Briggs	Fletcher	Nelson	Smith, S. C.
Bristow	Foster	Newlands	Stephenson
Brown	Gallinger	Nixon	Sutherland
Bryan	Gardner	Oliver	Swanson
Burnham	Gore	Overman	Thornton
Burton	Guggenheim	Owen	Tillman
Chamberlain	Hitchcock	Page	Townsend
Chilton	Johnson, Me.	Paynter	Warren
Clapp	Johnston, Ala.	Percy	Watson
Clark, Wyo.	Jones	Perkins	Wetmore
Crane	Kenyon	Pomerene	Williams
Crawford	Kern	Rayner	Works

NAYS—3.

Lorimer	Martine, N. J.	Reed

NOT VOTING—12.

Clarke, Ark.	Gronna	O'Gorman	Smoot
Davis	Heyburn	Penrose	Stone
Gamble	La Follette	Poindexter	Taylor

The VICE PRESIDENT. Two-thirds having voted in favor thereof, the resolution as amended is adopted.

Mr. LODGE. I now ask unanimous consent that the resolution of ratification of the French treaty may be laid before the Senate, identical amendments having been proposed in that treaty; that is, that the treaty may be considered as amended identically with the English treaty, and that a precisely similar resolution of ratification may be laid before the Senate and adopted.

The VICE PRESIDENT. The Senator from Massachusetts asks unanimous consent that precisely the same proceedings in reference to the French treaty be taken from first to last that were taken in reference to the English treaty. Is there objection? The Chair hears none, and two-thirds having voted for the treaty, it is ratified.

LEGISLATIVE SESSION.

Mr. LODGE. I move that the Senate proceed to the consideration of legislative business.

The motion was agreed to.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by D. K. Hempstead, its enrolling clerk, announced that the House had passed the bill (S. 2004) to amend section 1505 of the Revised Statutes of the United States providing for the suspension from promotion of officers of the Navy if not professionally qualified.

The message also announced that the House had passed the following bills and joint resolution, in which it requested the concurrence of the Senate:

H. R. 15471. An act making appropriation for repair, preservation, and exhibition of the trophy flags now in store in the Naval Academy, Annapolis, Md.;

H. R. 17119. An act granting the courthouse reserve, at Pond Creek, Okla., to the city of Pond Creek for school and municipal purposes;

H. R. 17483. An act amending section 1998 of the Revised Statutes of the United States, and to authorize the President, in certain cases, to mitigate or remit the loss of rights of citizenship imposed by law upon deserters from the military or naval service; and

H. J. Res. 118. Joint resolution authorizing the Secretary of War to accept the title to approximately 5,000 acres of land in the vicinity of Tullahoma, in the State of Tennessee, which certain citizens have offered to donate to the United States for the purpose of establishing a maneuver camp and for the maneuvering of troops, establishing and maintaining camps of instruction, for rifle and artillery ranges, and for mobilization and assembling of troops from the group of States composed of Kentucky, Tennessee, Mississippi, Alabama, Georgia, Florida, North Carolina, and South Carolina.

ENROLLED BILLS SIGNED.

The message further announced that the Speaker of the House had signed the following enrolled bills, and they were thereupon signed by the Vice President:

S. 3211. An act authorizing that commission of ensign be given midshipmen upon graduation from the Naval Academy;

S. 4521. An act to authorize the change of the name of the steamer *William A. Hawgood;* and

S. 4728. An act to authorize the change of the name of the Steamer *Salt Lake City.*

PETITIONS AND MEMORIALS.

The VICE PRESIDENT presented a cablegram from the President of the Republic of Nicaragua, expressing gratification to the Senate of the United States upon the visit of the Hon. Philander C. Knox, Secretary of State, to that country, which was referred to the Committee on Foreign Relations.

He also presented a petition of the Protective League for the Families of Drunkards, of Pittsburgh, Pa., and a petition of the Rockland County Woman's Christian Temperance Union, of New York, praying for the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating liquors, which were referred to the Committee on the Judiciary.

Mr. CULLOM presented a memorial of sundry citizens of Ledford, Ill., remonstrating against the extension of the parcel-post system beyond its present limitations, which was referred to the Committee on Post Offices and Post Roads.

Mr. GUGGENHEIM presented a memorial of sundry citizens of Galatea, Colo., remonstrating against the extension of the parcel-post system beyond its present limitations, which was referred to the Committee on Post Offices and Post Roads.

He also presented a petition of sundry members of the Improved Order of Red Men, of Longmont, Colo., praying for the erection of an American Indian memorial and museum building in Washington, D. C., which was referred to the Committee on Indian Affairs.

Mr. RAYNER presented a petition of the Woman's Christian Temperance Union of Carmichael, Md., praying for the enactment of an interstate liquor law to prevent the nullification of State liquor laws by outside dealers, which was referred to the Committee on the Judiciary.

Mr. DU PONT presented petitions of the Woman's Christian Temperance Union of Slaughter Neck; the Young People's Branch of the Woman's Christian Temperance Union of Slaughter Neck; the Methodist Episcopal Church of Cedar Neck; the Methodist Protestant Church of Milford; W. M. Joseph, of

Milford; Elmer C. Bennett, of Milford; the Law and Order Society of Townsend; the Immanuel Methodist Episcopal Church, of Townsend; and the local Woman's Christian Temperance Union of Townsend, all in the State of Delaware, praying for the enactment of an interstate liquor law to prevent the nullification of State liquor laws by outside dealers, which were referred to the Committee on the Judiciary.

Mr. ROOT presented petitions of members of the True Methodist Sunday School and of the congregation of the Methodist Church of East Syracuse; of members of the Methodist Episcopal Sunday School and Church of Collamer village; of the Woman's Christian Temperance Unions of Malone, Horseheads, and Binghamton; and of sundry citizens of Binghamton, Jamesville, and Syracuse, all in the State of New York, praying for the enactment of an interstate liquor law to prevent the nullification of State liquor laws by outside dealers, which were referred to the Committee on the Judiciary.

He also presented petitions of sundry labor unions of Porto Rico, praying for the establishment in that Territory of a department of commerce and agriculture, which were referred to the Committee on Pacific Islands and Porto Rico.

He also presented petitions of sundry labor unions of Porto Rico, praying for the enactment of legislation giving citizens of Porto Rico the right to be citizens of the United States, which were referred to the Committee on Pacific Islands and Porto Rico.

He also presented petitions of sundry citizens of Elmira, N. Y., praying for the passage of the so-called eight-hour bill, which were referred to the Committee on Education and Labor.

He also presented a memorial of Chapin Post, No. 2, Department of New York, Grand Army of the Republic, of Buffalo, N. Y., remonstrating against the proposed discontinuance of the pension agencies throughout the country, which was referred to the Committee on Pensions.

He also presented a petition of sundry citizens of Buffalo, N. Y., praying for the passage of the so-called Sulzer parcel-post bill, which was referred to the Committee on Post Offices and Post Roads.

He also presented a petition of sundry citizens of Troy, N. Y., praying for a reduction of the duty on raw and refined sugars, which was referred to the Committee on Finance.

Mr. GORE presented a joint resolution adopted by the Legislature of Oklahoma, which was referred to the Committee on Finance and ordered to be printed in the RECORD, as follows:

STATE OF OKLAHOMA,
Department of State.

To all to whom these presents shall come, greeting:

I, Benjamin F. Harrison, secretary of state of the State of Oklahoma, do hereby certify that the following and hereto attached is a true copy of house joint resolution 5, approved March 14, 1910, the original of which is now on file and a matter of record in this office.

In testimony whereof I hereto set my hand and cause to be affixed the great seal of state. Done at the city of Oklahoma this 26th day of February, A. D. 1912.

[SEAL.] BENJAMIN F. HARRISON,
Secretary of State.

MARCH 10, 1910.

House joint resolution 5.

A resolution ratifying an amendment proposed by the Sixty-first Congress of the United States of America on the 15th day of March, 1909, to the Constitution of the United States and designated as Article XVI.

Be it resolved by the house of representatives and the senate of the State of Oklahoma:

Whereas the Sixty-first Congress of the United States of America, at its first session, begun and held at the city of Washington, on Monday, the 15th day of March, 1909, by joint resolution proposed an amendment to the Constitution of the United States in words and figures as follows, to wit:

"*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of each House concurring therein),* That the following article is proposed as an amendment to the Constitution of the United States, which, when ratified by the legislatures of three-fourths of the several States, shall be valid to all intents and purposes as a part of the Constitution:

"ART. 16. The Congress shall have power to lay and collect taxes on incomes, from whatever source derived, without apportionment among the several States and from any census or enumeration."

Now, therefore, be it resolved by the house of representatives and the senate of the State of Oklahoma in extraordinary session assembled, Such subject having been recommended by the governor for consideration, that said proposed amendment to the Constitution of the United States of America is hereby ratified.

BEN F. WILSON,
Speaker of the House of Representatives.
J. C. GRAHAM,
President pro tempore of the Senate.

Correctly enrolled.

MILTON BRYAN, *Chairman.*

Approved March 14, 1910.

C. N. HASKELL,
Governor of the State of Oklahoma.

Mr. TILLMAN presented petitions of the congregation of the Buncombe Street Methodist Episcopal Church, of Greenville, and of sundry citizens of Ward and Tulley, all of the State of South Carolina, praying for the enactment of an interstate liquor law to prevent the nullification of State liquor laws by outside dealers, which were referred to the Committee on the Judiciary.

Mr. BRADLEY presented a petition of sundry citizens of Lincoln County, Ky., praying for the enactment of an interstate liquor law to prevent the nullification of State liquor laws by outside dealers, which was referred to the Committee on the Judiciary.

He also presented a memorial of the memorial and executive committee, Grand Army of the Republic, of Buffalo, N. Y., remonstrating against the discontinuance of the pension agencies throughout the country, which was referred to the Committee on Pensions.

Mr. SHIVELY presented petitions of Journeymen Barbers' Union No. 14, of Fort Wayne, Ind.; of Local Union No. 157, Journeymen Tailors' Union of North America, of Indianapolis, Ind.; and of Allen Lodge, No. 145, International Association of Machinists, of Lima, Ohio, praying for the passage of the so-called eight-hour bill, which were referred to the Committee on Education and Labor.

He also presented a petition of Local Union No. 5, National Brotherhood of Operative Potters, of Evansville, Ind., praying for the enactment of legislation providing for the building of one of the proposed new battleships in a Government navy yard, which was referred to the Committee on Naval Affairs.

He also presented a petition of Boyd Local Union, No. 215, Farmers' Educational and Cooperative Union of America, of Bedford, Ind., praying for the establishment of a parcel-post system, which was referred to the Committee on Post Offices and Post Roads.

He also presented memorials of sundry citizens of Logansport, Fort Wayne, Markle, Medaryville, Monon, Reynolds, Wolcott, Lafayette, Idaville, Monticello, Greentown, Van Buren, and Warren, all in the State of Indiana, remonstrating against the extension of the parcel-post system beyond its present limitations, which were referred to the Committee on Post Offices and Post Roads.

He also presented a petition of John P. Baird Post, No. 592, Department of Indiana, Grand Army of the Republic, of Terre Haute, Ind., praying for the passage of the so-called dollar-a-day pension bill, which was ordered to lie on the table.

He also presented a memorial of the Polish National Alliance of the United States of North America, remonstrating against the enactment of legislation to further restrict immigration, which was referred to the Committee on Immigration.

Mr. PAGE presented a petition of the Woman's Christian Temperance Union of Richford, Vt., praying for the enactment of an interstate liquor law to prevent the nullification of State liquor laws by outside dealers, which was referred to the Committee on the Judiciary.

Mr. WETMORE presented a petition of the Board of Trade of Providence, R. I., praying for the selection of the site in the Mall, in the District of Columbia, as recommended by the Commission of Fine Arts, for the location of the proposed Lincoln memorial, which was referred to the Committee on the District of Columbia.

He also presented resolutions adopted at a public meeting held under the auspices of the Robert Emmet Literary Association, of Providence, R. I., remonstrating against the ratification of the proposed treaties of arbitration between the United States, Great Britain, and France, and also against the ratification in the future of any treaty involving the Monroe doctrine, etc., which were ordered to lie on the table.

He also presented a petition of the Woman's Christian Temperance Union of Providence, R. I., praying for the enactment of an interstate liquor law to prevent the nullification of State liquor laws by outside dealers, which was referred to the Committee on the Judiciary.

Mr. BURTON presented a memorial of sundry citizens of Antonis, Ohio, remonstrating against the extension of the parcel-post system beyond its present limitations, which was referred to the Committee on Post Offices and Post Roads.

Mr. JOHNSTON of Alabama presented a memorial of sundry citizens of Slocomb, Ala., remonstrating against the extension of the parcel-post system beyond its present limitations, which was referred to the Committee on Post Offices and Post Roads.

Mr. RAYNER presented a petition of the official body of the Centenary Methodist Episcopal Church, of Westminster, Md., praying for the enactment of an interstate liquor law to prevent the nullification of State liquor laws by outside dealers, which was referred to the Committee on the Judiciary.

REPORTS OF COMMITTEE ON CLAIMS.

Mr. JONES, from the Committee on Claims, to which was referred the bill (S. 2115) conferring jurisdiction on the Court

of Claims to determine the amount due certain individual Sioux Indians of the United States, submitted an adverse report (No. 449) thereon, which was agreed to, and the bill was postponed indefinitely.

Mr. CRAWFORD, from the Committee on Claims, to which was referred the bill (S. 1509) for the relief of Mary Cairney, submitted an adverse report (No. 448) thereon, which was agreed to, and the bill was postponed indefinitely.

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. GUGGENHEIM:

A bill (S. 5664) granting a pension to Etta B. Stewart (with accompanying papers); to the Committee on Pensions.

By Mr. TILLMAN:

A bill (S. 5665) for the relief of heirs of John D. and Elizabeth Witherspoon, deceased (with accompanying papers); to the Committee on Claims.

By Mr. BRADLEY:

A bill (S. 5666) granting an increase of pension to Peter Walker (with accompanying paper); and

A bill (S. 5667) granting an increase of pension to Alexander F. Hays (with accompanying papers); to the Committee on Pensions.

By Mr. SWANSON:

A bill (S. 5668) to provide for the purchase of a site and the erection of a public building thereon at Cape Charles, in the State of Virginia; to the Committee on Public Buildings and Grounds.

By Mr. RAYNER:

A bill (S. 5669) making an appropriation for the deepening of the Curtis Bay Channel, Baltimore Harbor; to the Committee on Commerce.

PRINTING OF NORTH AMERICAN REVIEW ARTICLE (S. DOC. NO. 380).

Mr. SMOOT. On the 2d instant the Senator from Nebraska [Mr. HITCHCOCK] presented to the Senate an article which appeared in the February number of the North American Review, by Leander T. Chamberlain, entitled "A chapter of national dishonor," and asked that it be printed as a document, and it was referred to the Committee on Printing for action. I report back favorably from that committee the article and move that it be printed as a Senate document.

The motion was agreed to.

LAND AT PORT ANGELES, WASH.

The VICE PRESIDENT laid before the Senate the amendments of the House of Representatives to the bill (S. 339) providing for the reappraisement and sale of certain lands in the town site of Port Angeles, Wash., and for other purposes, which were, on page 1, line 4, after "reappraisement," to insert "at their actual cash value"; on page 1, line 10, to strike out "private entry only at such" and insert "not less than the"; and on page 2, line 1, to strike out "deed" and insert "patent."

Mr. JONES. I move that the Senate concur in the amendments of the House of Representatives.

The motion was agreed to.

MISSISSIPPI RIVER BRIDGE.

The VICE PRESIDENT laid before the Senate the amendments of the House of Representatives to the bill (S. 4151) to authorize the Minnesota & International Railway Co. to construct a bridge across the Mississippi River at or near Bemidji, in the State of Minnesota, which were, on page 1, line 7, after the word "point," to insert "suitable to the interests of navigation," and, on page 1, line 10, after "Minnesota," to strike out "suitable to the interests of navigation."

Mr. NELSON. I move that the Senate concur in the House amendments.

The motion was agreed to.

HOUSE BILLS REFERRED.

The following bill and joint resolution were severally read twice by their titles and referred to the Committee on Military Affairs:

H. R. 17483. An act amending section 1998 of the Revised Statutes of the United States, and to authorize the President in certain cases to mitigate or remit the loss of rights of citizenship imposed by law upon deserters from the military or naval service; and

H. J. Res. 118. Joint resolution authorizing the Secretary of War to accept the title to approximately 5,000 acres of land in the vicinity of Tullahoma, in the State of Tennessee, which certain citizens have offered to donate to the United States for the purpose of establishing a maneuver camp and for the maneuvering of troops, establishing and maintaining camps of instruction, for rifle and artillery ranges, and for mobilization and assembling of troops from the group of States composed of Kentucky, Tennessee, Mississippi, Alabama, Georgia, Florida, North Carolina, and South Carolina.

H. R. 15471. An act making appropriation for repair, preservation, and exhibition of the trophy flags now in store in the Naval Academy, Annapolis, Md., was read twice by its title and referred to the Committee on Naval Affairs.

H. R. 17119. An act granting the courthouse reserve at Pond Creek, Okla., to the city of Pond Creek for school and municipal purposes was read twice by its title and referred to the Committee on Public Lands.

PUBLIC-UTILITIES COMMISSION.

Mr. GALLINGER. I ask that the unfinished business be laid before the Senate.

The VICE PRESIDENT. The Chair lays before the Senate the unfinished business, which will be stated.

The SECRETARY. A bill (S. 3812) to regulate public utilities in the District of Columbia, and to confer upon the Commissioners of the District of Columbia the duties and powers of a public-utilities commission.

Mr. GALLINGER. I desire to give notice, so that it may be understood, that on to-morrow I will ask that that bill shall be proceeded with. I now ask that it be temporarily laid aside.

The VICE PRESIDENT. Without objection, on the request of the Senator from New Hampshire, the bill is temporarily laid aside.

SENATOR FROM WISCONSIN.

Mr. SUTHERLAND. Mr. President, I ask unanimous consent that on Monday, March 25, 1912, immediately after the conclusion of the routine morning business, the Senate proceed to the consideration of the resolution declaring that no corrupt practices or methods were involved in the election of the Senator from Wisconsin [Mr. STEPHENSON], and that at 4 o'clock on that day a vote upon the resolution be taken.

Mr. BRISTOW. I desire to say that I can not consent to fix any specific hour for the vote on that day. Personally I have no objection to voting on that day, but I do object to setting any specific hour for voting.

Mr. JONES. If the Senator will make it the legislative day I do not think there will be any objection.

Mr. SUTHERLAND. I will modify the request, and ask that the vote be taken before adjournment on that legislative day.

The VICE PRESIDENT: Is there objection to the request?

Mr. CULBERSON. What is the request?

The VICE PRESIDENT. The request is that on Monday, March 25, immediately after the conclusion of the routine morning business, the resolution relating to the so-called Stephenson case be taken up, and that a vote be taken thereon and on all amendments, if any, before adjournment on that legislative day. Is there objection? [After a pause.] The Chairs hears no objection, and the order is entered.

HOUR OF MEETING TO-MORROW.

Mr. McCUMBER. I move that when the Senate adjourns to-day it adjourn to meet at 12 o'clock noon to-morrow.

The motion was agreed to.

Mr. CULLOM. I move that the Senate adjourn.

The motion was agreed to, and (at 5 o'clock and 30 minutes p. m.) the Senate adjourned until Friday, March 8, 1912, at 12 o'clock m.

HOUSE OF REPRESENTATIVES.

THURSDAY, *March 7, 1912.*

The House met at 12 o'clock m.

The SPEAKER, on taking the chair, was greeted with general applause.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

Father in heaven, let Thy smiles be upon us to cheer our hearts when we are seeking earnestly, honestly, and faithfully to do Thy will, as it is given us to see Thy will, but frown upon us and make our hearts heavy when we run counter to Thy will through our own selfish desires. "Be not deceived; God is not mocked; for whatsoever a man soweth, that shall he also reap. For he that soweth to the flesh shall of the flesh reap corruption, but he that soweth to the spirit shall of the spirit reap life everlasting." "And let us not be weary in well doing, for in due season we shall reap if we faint not." So let Thy kingdom come and Thy will be done on earth as it is in heaven. In the spirit of the Lord Jesus Christ. Amen.

The Journal of the proceedings of yesterday was read and approved.

RIVER AND HARBOR APPROPRIATION BILL.

Mr. SPARKMAN, chairman of the Committee on Rivers and Harbors, by direction of that committee, reported the bill (H. R. 21477) making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes, which was read a first and second time, referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report (No. 395), ordered to be printed.

Mr. MANN. Mr. Speaker, I reserve all points of order on the bill.

The SPEAKER. The gentleman from Illinois [Mr. MANN] reserves all points of order on the bill.

Mr. SPARKMAN. I wish to give notice, Mr. Speaker, that I wish to take it up at the first opportunity.

The SPEAKER. The gentleman from Florida [Mr. SPARKMAN] gives notice that he will call up the bill at the first opportunity.

AGRICULTURE APPROPRIATION BILL.

Mr. LAMB. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House on the state of the Union for the further consideration of House bill 18960, the agricultural appropriation bill.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill (H. R. 18960) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1913, with Mr. BORLAND in the chair.

The CHAIRMAN. The House is in the Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 18960, which the Clerk will report.

The Clerk read as follows:

A bill (H. R. 18960) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1913.

Mr. LAMB. Mr. Chairman, I yield to the gentleman from Illinois [Mr. RAINEY].

Mr. RAINEY. Mr. Chairman, to-day is the anniversary of the birth of the Speaker of the House of Representatives [applause], and, as his nearest congressional neighbor, I ask unanimous consent to address the committee for 10 minutes.

The CHAIRMAN. The gentleman from Illinois [Mr. RAINEY] asks unanimous consent to address the committee for 10 minutes. Is there objection?

There was no objection.

Mr. RAINEY. Mr. Chairman, 10 years before the War between the States, in a rural community in the great border State of Kentucky [applause], a man child was born. He came from the great common people. His advent into the world was unheralded and unnoticed except in the community where he spent his boyhood days. To-day in the Capital of the Nation and in mountain hamlets in the great cities of the East and on the shores of the western sea, in the cities and villages of the pleasant Southland, and throughout the colder North great newspapers are proclaiming the fact that in the journey of life the Speaker of the House of Representatives has reached his sixty-second milestone. [Loud applause.] As his personal friend and as his nearest congressional neighbor I feel that I have the right to-day to refer in this place to his life and to his public service.

The immortal Lincoln was born on a farm in the State of Kentucky. The call of the West came to him early in life—

> To the West, to the West, to the land of the free,
> Where the great Mississippi rolls down to the sea,
> Where a man is a man if he's willing to toil,
> And the humblest may share in the fruits of the soil.

[Applause.]

He obeyed the call, and in the great middle section of this country, where the waves of prejudice from the North meet and overcome the waves of passion from the South, he developed those qualities of mind and heart which finally brought to him the highest honors in the gift of the people of his country. He was trained in the hard school of practical everyday life. A farm hand, a clerk in a country store in the village of New Salem, a surveyor, a country lawyer—during these, the formative years of his life, he developed that knowledge of human nature, that broad sympathy and those qualities of intellect which made of him a great leader among men and on account of which men of the North and men of the South revere his memory [applause]—the memory of this Kentucky boy who, as a farm hand, a country surveyor, a clerk in a country store, a practicing country lawyer, a member of the legislature, a Member of Congress, progressed until he finally attained the highest place in the Nation. [Applause.]

CHAMP CLARK was born on a farm in Kentucky. [Applause.] There early came to him the call of the West, and he heeded it. Fifty miles from New Salem, on the banks of the Mississippi River, in that great middle portion of this country where men grow to full stature, he spent the formative years of his life. [Applause.] Trained also as a farm hand, as a clerk in a country store, as a country lawyer, as a country school-teacher, he developed in the hard school of practical experience those qualities which have at last placed him in the second highest place in this, the greatest of all the nations. [Applause.]

His life furnishes an inspiration to the youth of the land. Born on a farm, educated in the country schools and in our smaller colleges, early accustomed to a life of toil and hardship, a farm hand, a clerk in a country store, an editor of a country newspaper, a country school-teacher, president of a little college, a country lawyer, city attorney in a Missouri city, deputy prosecuting attorney, a member of the legislature, a Member of Congress, a presidential elector, permanent chairman of a Democratic national convention, nine times elected to Congress, and finally elected by the House of Representatives to the high position he now fills. [Applause.] No man is better qualified by education, by environment, by experience, to fill the one higher position in the Government for which his friends are now presenting his name. [Applause.]

My district in Illinois for over a hundred miles adjoins his district in Missouri, separated only by the Mississippi River. I speak of him to-day as his neighbor and his friend. No Member of the House of Representatives has ever been held in higher esteem by the people of his district than is CHAMP CLARK by his constituents in the ninth district of Missouri. [Applause.] They know him and he knows them, and he is able to call them all by name. The man who rises to high position from a rural community owes his advancement in life not to favorable newspaper comment, not to eulogies in magazines, but to the fact that back in his section 200,000 men, women, and children know him intimately and well—are acquainted with his qualifications, and do not hesitate to make known any circumstances or events which would disqualify him for high position in the Nation. [Applause.]

Through the long, dark days of humiliation and defeat he remained loyal always to the party to which he acknowledged allegiance [applause], ready at all times, on all occasions, in all States, and in all localities to battle for the principles the Democratic Party is proclaiming to-day with a louder voice than ever. [Applause.] He has been tried in the fire, and the increasing majorities given to him always in his district by the men who know him best commend him now to the people of the Nation as no other indorsement could. [Applause.]

He became the leader of his party in the National House of Representatives when his party was rent with discord and internal strife, when its enemies were predicting it had no constructive power and that it could not present a united front in the lower House. [Applause.] Out of turmoil and strife he has been able to so reorganize his party that an overwhelming Republican majority in the National House has been turned into an overwhelming Democratic majority, and under his leadership and as a result of it we are able now to present a united front to a common enemy and to discharge, so far as we of the lower House can do it, our pledges to the people of the country. [Applause.] Is it any wonder that throughout the land to-day hundreds of thousands of his fellow citizens are looking toward this country boy progressing as Lincoln did, schooled as Lincoln was, in the same environment in the great middle portion of the country? Is it any wonder that they are singing his praises and are uniting for the purpose of conferring upon him, if they can, the nomination for the highest place in the gift of the people of his country? [Applause.] He is here to-day in the very prime of life, in the full development of his splendid manhood. He has just attained the age which best qualifies a man to be President of the United States. [Applause.] May we not on this occasion express the hope that he has ahead of him many years of life and health, of success, happiness, and usefulness? [Long continued applause.]

Mr. AUSTIN. Mr. Chairman, I ask for two minutes in which to address the Committee of the Whole.

SEVERAL MEMBERS. Make it five.

Mr. AUSTIN. Five minutes.

The CHAIRMAN. The gentleman from Tennessee asks unanimous consent to proceed for five minutes. Is there objection?

There was no objection.

Mr. AUSTIN. Mr. Chairman, the honorable Presiding Officer of this House is not only your Speaker, but he is our Speaker. [Applause.] No man who could have been selected on that

side of the House for that high and exalted office could have met with a warmer approval or indorsement on this side of the House than the Hon. CHAMP CLARK. [Applause.] In the administration of that office he has been kind, considerate, and absolutely just and impartial. [Applause.]

I wish not only to congratulate him upon his birthday, but I congratulate his party on the wisdom of his selection as their leader in this House. [Applause.] I desire also, Mr. Chairman, on behalf of myself and colleagues on this side, to congratulate the Republican Party in having such a man to preside over this Democratic House. [Applause.] I congratulate the American people because we have a typical American in that high place. [Applause.] And, gentlemen, I congratulate you upon your opportunity to make him the standard bearer of the "unterrified" Democracy. [Applause.] He would make, if he had the opportunity, a wise Executive of the American people, one who would have their welfare and interest always uppermost in his mind in the administration of that great office. [Applause.] If we were to have a Democrat, we would all prefer him, but we are going to have a Republican President for the next four years. [Laughter and applause.]

Mr. CANNON rose. [Applause.]

Mr. CANNON. Mr. Chairman, I just came into the House and inquired why the present Chairman was presiding and was informed, having overlooked the fact, that this was the anniversary of the sixty-second birthday of the distinguished Speaker of the House of Representatives. I am glad on this occasion to say a word touching the Speaker of the House. The majority elected him, but, after all, when the Speaker is elected he is Speaker of the House, not only of the majority of the House, but of the whole House. [Applause.] While we have had sharp contests in the past and in the present, and no doubt will have in the future, I am glad to say, after many years of service, that while the present Speaker has always been a virile partisan, recognizing that it is a government of the people speaking by majorities, and while as a former Speaker of the House and on the floor I have had sharp contests with him and at times felt his opposition keenly, yet I must say, and take pleasure in saying at this time, that he has made manly contests, striking above the belt. [Applause.] As long as contests of that kind remain between the majority and the minority I would not have them cease in vigor, because it is the duty of the majority clothed with the power to move forward, standing by their policies, and it is the duty of the minority, where policies and principles are concerned, to criticize the policies of the majority.

The present Speaker is a prospective candidate for that great office of President. [Applause.] You will not consult me in the Baltimore convention, but I am quite sure that it would be agreeable to this side of the House if you should nominate your colleague and our colleague, the present Speaker, as your standard bearer. [Applause.] For your policies I can think of no one that would be more forceful, and in nominating and electing to that great office the present Speaker I think there is no man within the sound of my voice but that would feel that he would be persona grata if he desired a hearing touching the public business so far as it was within his power. [Applause.]

We congratulate our friends from time to time on the anniversary of their birth, but I sometimes wonder whether it is a subject for congratulation that another annual milestone is behind us. Yet it is always agreeable to congratulate and be congratulated; and as we can not turn back the hands upon the dial, I will express the wish and the hope that the Speaker's birthday anniversary may reach the hundredth anniversary and that I may be there to see it. [Laughter and applause.]

The CHAIRMAN. When the committee arose the pending amendment was the amendment offered by the gentleman from North Carolina [Mr. PAGE].

Mr. GUERNSEY. Mr. Chairman, I have an amendment which I wish to offer to the amendment.

The CHAIRMAN. The Clerk will report the amendment of the gentleman from North Carolina and also the amendment to the amendment by the gentleman from Maine.

The Clerk read as follows:

Strike out the paragraph beginning on line 16, on page 23, and ending with line 10, on page 26, and insert in lieu thereof the following:

"Purchase and distribution of rare and valuable seeds and plants: For purchase, propagation, testing, and distribution of rare and valuable seeds, bulbs trees, shrubs, vines, cuttings, and plants from foreign countries or from our possessions for experimenting with reference to their introduction into and cultivation in this country, and same shall be used for experimental tests, to be carried on with the cooperation of the agricultural experiment station, $58,740."

The amendment of Mr. GUERNSEY is as follows:

Amend by adding after the word "bulbs" in the third line, "seed potatoes."

Mr. CANDLER. Mr. Chairman, I reserve the point of order to the amendment of the gentleman from Maine.

Mr. LAMB. Mr. Chairman, I reserve the point of order.

The CHAIRMAN. Upon the amendment or upon the amendment to the amendment?

Mr. LAMB. Upon both.

Mr. GUERNSEY. Mr. Chairman, the House now has under consideration the Agricultural bill, one of the great supply bills of this Government. Its provisions are intended to promote our agricultural interests; therefore in connection with its consideration it is proper to propose legislation that may be beneficial and call attention to other legislation that the Democratic majority has already passed or proposes to pass and which, it is believed, will be serious in its effect on the agricultural interests of the United States.

The subject now under consideration offers an opportunity for the members of the Democratic majority to show in a substantial way that they are still as interested in the farmers of the country as they have declared that they were for 16 years while in the minority and not as responsible for legislation in this House as now.

It is proposed to do away with the distribution of Government seeds in the manner that has heretofore prevailed, but continue an appropriation of many thousands of dollars which will enable the Department of Agriculture to supply valuable seeds to those who especially desire them and may directly apply for them. If the Democratic majority proposes to adopt this plan, I ask that a portion of the appropriation be made available for an investigation into the cultivation and promotion of the best varieties of a great food product. If the Department of Agriculture, with all its great facilities for investigation, experiment, and study, would give more attention to potato cultivation I believe it might render important service which would be appreciated by those engaged in this important branch of farming, resulting in a better general understanding as to methods of cultivation, quality of production, and increase of acreage.

HIGH COST OF LIVING.

Along with wheat, potatoes are one of the chief foods in our everyday living. The high cost of living is one of the great questions of the time. The State of Massachusetts not long ago investigated into it; the Federal Government has made exhaustive investigations into its causes, and world-wide study of the question is now contemplated.

The farmers of the House and the farmers of the United States Senate have expressed their opinions as to its causes. Investigations and investigations may continue to be made, reports and reports may continue to be written, and the farmers of the House and the farmers of the Senate may continue to express their opinions, but the high cost of living will only be solved in one way, that is by increasing production and the quality of the production. Let us add to the inducements of the farmer and not legislate them away. Let the Department of Agriculture give its assistance to the potato growers, give it authority to experiment and study the cultivation and the varieties of potatoes, and supply seed, so far as practicable, to farmers desiring to make tests of the varieties, who may make application direct to the department, and this Democratic House will show that it has a real interest in reducing the cost of living and promoting agriculture. [Applause.]

DEMOCRATIC LEGISLATION UNFAVORABLE TO THE INTERESTS OF THE FARMER.

The trend of Democratic legislation so far seems to be against the agricultural interests, and legislation now before the House as a result of the recent Democratic sugar caucus will strike another blow at agriculture. Not alone will the sugar producers be affected, but the market in Cuba for potatoes grown in the United States, and other products of the soil of this country will suffer.

The sugar bill should be called a bill of surrender. It surrenders our advantages in the $62,000,000 Cuban market to Canada and it surrenders to the refining interests, the Sugar Trust, fifty-two millions of Government income.

The existing treaty between the United States and Cuba provides for the admission into her market of our products at a preferential custom rate over other nations of 20 per cent in turn for admission into this country of her chief product, which is sugar, at a preferential rate of 20 per cent as against the rest of the world.

If the Democratic free-sugar bill is enacted into law and the sugar of the world is admitted here free of duty, the treaty with Cuba will be ended, as there will no longer be a reason for its continuance by that country. The preferential rate on sugar is Cuba's end of that treaty and her reason for con-

tinuing her signature to it; in fact, it is what ties Cuba to this country commercially.

Even with this advantage of 20 per cent preferential rate for our potatoes which enter Cuba, Canada now sells considerable quantities to that country. Take away the 20 per cent preferential rate which we now enjoy by passing the Democratic sugar bill, which will end the treaty, and Canada will sell to Cuba all the potatoes that her market will absorb, as eastern Canada has direct and cheap water transportation to the Cuban market.

CUBAN POTATO MARKET.

From the Bureau of Trade Relations we learn that the United States statistics for the year 1911 show that we exported to that country in that year 1,594,000 bushels of potatoes, and the bureau expressed the opinion that by far the greater number of Maine potatoes exported eventually landed in Cuba.

In addition to the 1,594,000 bushels of potatoes that we exported into Cuba in 1911, it is a matter of common knowledge that during that year shipload after shipload of Maine potatoes went to Cuba through the port of St. John, New Brunswick, of which no account is taken by the Government in its statistical report.

We may well take notice of the importance of that market, not alone to the potato growers of Maine, but to the northern potato growers, from Maine to Michigan and the Dakotas, and it is that market for this important farm product that our Democratic friends will wipe out with the legislation that they propose which will result in the termination of the Cuban commercial treaty.

The Democratic sugar measure will not only strike a blow at the potato fields of the East, but also the wheat fields of the West, whose production goes to Cuba in the shape of a million barrels of flour annually.

RESULTS OF SPANISH-AMERICAN WAR.

The vast importance of these trade relations with Cuba, which represent practically the only commercial and financial returns for the war that this Government waged for Cuban freedom costing us thousands of lives and millions of treasure, was realized by the Republican Party when it enacted the last tariff law, and in the bill there was inserted a clause to protect Cuban reciprocity against any possible interference.

The Payne tariff law said in section 3:

That nothing in this act contained shall be so construed as to abrogate or in any manner impair or affect the provisions of the treaty of commercial reciprocity concluded between the United States and the Republic of Cuba on the 11th day of December, 1902, or the provisions of the act of Congress heretofore passed for the execution of the same.

Should this treaty now be canceled as a result of Democratic legislation it might force Cuba to enter into a reciprocity agreement with Canada, which country, I understand, is now seeking to effect a reciprocal arrangement with the British West Indies. Canada, on the termination of the United States treaty, would without doubt seek a reciprocal treaty with Cuba, and I have no doubt would obtain it, and vastly to our disadvantage, as Canada already has great influence in the island. She practically monopolizes the banking interests and her capitalists have enormous investments in railroads and other enterprises in Cuba.

While the Democratic majority in this House is proposing legislation, the enactment of which will destroy our privileges in the Cuban market for a great farm product of the United States and in effect turn the Cuban market over to Canada, the New York Produce Exchange is raising its voice loudly in the interests of the flour trade of this country, which is very large with the British West Indies, which may be taken away from us through a reciprocal treaty with Canada which Canada is seeking to make for the purpose of securing that market; and I wish to call attention to the press dispatch relating to this matter which I insert in my remarks:

TO STOP CANADA-WEST INDIES RECIPROCITY PACT—OUR FLOUR TRADE TOO VALUABLE TO BE PUT IN JEOPARDY—UNITED STATES THEIR NATURAL MARKET.

NEW YORK, *March 6, 1912.*

The New York Produce Exchange has launched a campaign through which it hopes to stir the State Department into immediate activity to prevent the enactment of the proposed reciprocal trade agreement between Canada and the British West Indies. Flour is the chief commodity in which the produce exchange is interested, and the proposed agreement, it is said, provides for allowing Canadian flour into the West Indies at a preference of 24 cents a barrel. Such a step, it is declared, would raise a barrier which the American miller could not surmount. The loss of business would be several million dollars a year.

A statement issued by the produce exchange's special committee states:

"The flour trade to the West Indies is very important to this market, and it would be foolish to stand by idly and see it taken away if we have at hand some way to prevent it. The United States offers an immense market for West Indian products, a market more important to them than that of Canada, and it ought to be possible to make an effective protest."

I do not believe for a moment that when the American public understands all the results that will follow the passage of the free-sugar bill, and that among them will be the loss of the great Cuban market for our products, that they can be rallied to support such a program of the Democratic Party.

While the flour trade of this country is calling on the Government to aid it in continuing its flour trade in the British West Indies, the lower branch of Congress is discussing a proposition which virtually means throwing away a vastly more important market—the Cuban market.

WHAT WE SELL TO CUBA.

The importance of the Cuban market is realized when attention is called to it. Our trade there has doubled since our treaty with that island went into effect in 1903. I wish to call attention to some of the produce and merchandise that we sold there in the fiscal year 1910. Agricultural implements to the amount of $170,509; horses, $181,195; mules, $118,448; corn to the amount of 2,376,974 bushels, valued at $1,661,149. We sent there 791,850 barrels of flour, valued at more than $4,632,000. Cuba bought from us carriages, cars, and vehicles of all kinds to the amount in round numbers of more than a million dollars, and cement to the amount of $458,063, while chemicals, dyes, and medicines and articles of that character were sold in that market by producers of the United States to the extent of $1,447,000. Large quantities of coal, both anthracite and bituminous, are shipped from the United States to Cuba each year, and in 1910 that trade amounted to $2,166,502.

In 1910 we sold to her merchants 20,635,625 pounds of raw coffee valued at $2,455,687, while our cotton manufacturers disposed of products of their cotton mills to the people of that island to the amount of $1,644,498. In 1910 Cuba took the product of our henneries to the extent of 3,220,037 dozens of eggs valued at over $750,000 and fertilizer amounting to more than $559,000; and our steel products were shipped to and sold in that island to the amount of $1,467,256, and wire amounting to 20,341,902 pounds, valued at $534,092.

In addition, we sold to Cuban builders hardware, tools, locks, hinges, saws, and so forth, to the amount of nearly $2,000,000—to be exact, $1,944,393. And that is not all the merchandise that she took from us in the shape of metal products. She bought such as electrical machinery, printing presses, pumps, pumping machinery, sawing machines, locomotives, stationary engines, boilers, and parts of engines to the amount of $3,062,957, nails and spikes to the amount of over $243,000, and pipes and fittings to the amount of $795,149.

Our manufacturers and exporters of jewelry and other articles manufactured from gold and silver sold to the merchants of that island, in 1910, $1,701,286 worth of goods; and this trade is evidently rapidly increasing in the island and has steadily grown since 1906, increasing since that date more than a half million of dollars. Our trade in boots and shoes with the islands is also a rapidly growing trade, having increased each year and nearly doubled since 1906. In 1910 the exports of boots and shoes from this country to Cuba amounted to $2,958,103. During the year 1910, in the shape of meat and meat products we sold to the islands an amount exceeding $6,385,000, and, in addition, dairy products amounting to $633,858; and our paper manufacturers sold books, maps, engravings, print paper, writing paper, envelopes, and so forth, in that market to the amount of $910,607.

The products of our forests have always been in large demand in Cuba, as there is not produced on the islands timber suitable for building purposes. During 1910 she bought the products of our forests in the shape of boards, plank, joists, shooks, staves, headings, and so forth, to the amount of $2,704,684.

And this was not all. She took in the shape of furniture to the amount of $591,782, and hogsheads, barrels, and other merchandise of like character to the amount of $1,432,580.

In the calendar year 1910 the island imported from the United States potatoes to the amount of 1,041,152 bushels, while during the calendar year 1911, as I have heretofore stated, the importation from the United States amounted to 1,594,395 bushels. I have called attention in detail to some of the products and merchandise that we sell to the people of Cuba, that the importance of this market may be fully realized, as our trade with Cuba, which has been continually growing under the favorable provisions of our present treaty, is in great danger of being destroyed by the legislation now proposed.

Our exports to Cuba in the calendar year 1909 were $48,217,689; in 1910, $57,783,617; and in 1911, $62,280,509. These totals emphasize the steady growth of our trade in that important market.

CANADIAN COMPETITION IN POTATOES.

The potato planters of the North may well take notice now that this blow at a portion of their market, which will result

in turning over to Canada advantages that belong to us, is sure to be followed by other legislation which will bring them face to face with Canadian competition in potato raising.

Eastern Canada not only has direct communication by water to the Cuban market, but also to the principal markets of the United States on the eastern coast, thus giving her a decided advantage over the American producers of potatoes who have to transport to a greater or lesser distance by rail. Not only is her land equally as well adapted to the raising of the product, but much of it does not require the use of commercial fertilizer which is absolutely essential in eastern United States. Another advantage of the Canadian which is of the utmost importance in potato culture is that he can generally secure plenty of help and at much less wages than is paid for farm labor in the United States.

In my remarks in opposition to Canadian reciprocity in February, 1911, I called attention to the wage scale along the Canadian border from Eastport, Me., to western New York, on both sides of the international line. This scale of wages showed clearly that wages were very much lower on the Canadian side. The report on wages was secured by the Department of Commerce and Labor at my request. It shows the unequal conditions that laborers and producers on this side of the line have to contend with so clearly that I feel it is not out of place to again call attention to this report, and to that end insert it in my remarks. This report was compiled the 1st of February, 1911, and was as follows:

Farm wages prevailing along the Canadian border.

United States side.		Canadian side.	
In the vicinity of—	Average monthly wages, including board.	Canadian locality corresponding to that shown in the United States.	Average monthly wages, including board.
Eastport, Me.	$25 to $30	Halifax, Nova Scotia.	$15 to $25
Calais, Me.	26 to 30	Yarmouth, Nova Scotia.	15 to 30
Vanceboro, Me.	20 to 25	St. John (N. B.) district.	15 to 20
Houlton, Me.	30	do	15 to 20
Fort Fairfield, Me.	30	do	20 to 25
Van Buren, Me.	27 to 40	do	24
Fort Kent, Me.	25 to 30	do	22
		do	18 to 26
		do	20 to 25
Average eastern Maine.	25 to 31	Average Nova Scotia and New Brunswick.	17 to 24
Lowelltown, Me.	32	Province of Quebec.	31
Beechers Falls, N. H.	20	do	15
Newport, Vt.	25 to 26	do	18 to 22
Island Pond, Vt.	25	do	18 to 20
St. Albans, Vt.	20 to 30	do	18 to 20
Alburg, Vt.	25 to 30	do	15 to 25
Rouses Point, N. Y.	22 to 25	do	18 to 20
Malone, N. Y.	25	do	25
Fort Covington, N. Y.	25	do	20 to 25
Average eastern New York.	23 to 27	Average Province of Quebec.	16 to 22
Nyando, N. Y.	18 to 25	Province of Ontario.	16 to 22
Ogdensburg, N. Y.	25 to 30	do	20 to 25
Morristown, N. Y.	20 to 25	do	15 to 20
Clayton, N. Y.	26 to 28	do	24 to 26
Cape Vincent, N. Y.	25 to 30	do	20 to 30
Charlotte, N. Y.	25	do	16 to 25
Niagara Falls, N. Y.	20 to 30		
Average western New York.	22 to 27	Average Province of Ontario bordering New York.	19 to 25

MAINE POTATOES.

Aroostook County and other counties in northern Maine, owing to soil and climate, raise the finest quality of potatoes grown in the United States, and raise them in abundant crops amounting to millions of bushels annually. Aroostook County leads the State; Penobscot, Washington, and Piscataquis Counties follow; and while Aroostook farmers realize millions of dollars from the sale of their potato crops, the farmers of Penobscot, Washington, and Piscataquis Counties receive hundreds of thousands of dollars annually from their production of this great agricultural product.

This wonderful potato country has great possibilities in the future. It has been stated that Aroostook County alone is capable of producing 50,000,000 bushels annually; last year it is estimated there were 90,000 acres of land under cultivation within the county for the production of potatoes, and that the yield was about 18,000,000 bushels.

The State of Maine, already the third State in the Union in potato culture, is capable of multiplying many times its production of potatoes, which was estimated last year at 28,000,000 bushels. In the United States, under normal conditions, about 370,000,000 bushels are annually produced. It is one of the great farm products of our country, and owing to its importance its market should not be trifled with in legislation. Last year there was something of a shortage in the crop, the Government reports indicating that the total production was around 291,000,000 bushels.

THE POTATO STATES.

More than half the entire production of the United States is in the States of Maine, New Hampshire, Vermont, New York, Ohio, Michigan, Wisconsin, Minnesota, and North Dakota, which lie along the Canadian border. Across the imaginary line in Canada lies land equally as well adapted and less expensive to buy and much less valuable, as the American farmer has a market for his product, which the Republican Party believes in maintaining not only in the United States but also in Cuba.

FREE TRADE IN SUGAR MAY MEAN FREE TRADE IN POTATOES.

I am ready to hazard the prediction that the Democratic caucus, which is ready to sacrifice its Southern and Middle West Democrats who represent sugar-producing States, regardless of how much they may protest against free sugar, will as readily sacrifice the protective-tariff rate on potatoes, largely in the interest of northern farmers, to the Democratic tariff-for-revenue and free-trade policy once our Democratic friends get in control of both branches of Congress and the Presidency, and the protests and pleadings of Northern Democrats in Congress will not avail to save them or their constituents from such a policy.

A Democratic friend from the Middle West recently stated to me that Democratic voters elected him to come to Washington to help save a little protection to the beet-sugar industry of his section, as they feared free sugar from the Philippines, which Republicans might favor, but on his arrival here the Democratic caucus nearly choked him to death with free sugar from all the world.

FREE POTATOES ALREADY DEMANDED.

Democrats in Congress have already introduced two bills to remove the protective tariff from potatoes and place them on the free list, and in addition a House resolution to suspend the duty. These measures are now pending before the Democratic Ways and Means Committee, as appears by House bill 18225, introduced by Mr. SABATH, of Illinois, and House bill 18500, introduced by Mr. REDFIELD, of New York, and House joint resolution, introduced by Mr. AYRES, of New York.

The Democratic Party shuts its eyes to the fact that the legislation pending, if enacted into law, will take from us the important advantages we now enjoy in the Cuban market that have been secured to our people and built up under the policies of the Republican Party, at the same time depriving this Government of fifty-two millions of revenue now collected at the customhouses from the refiners of sugar and seek to justify the legislation by asserting that it will reduce the cost of sugar to the consumer by the exact amount that the duty is removed.

The history of tariff legislation shows that placing on the free list articles largely controlled by business combines do not in every case reduce the cost of the article or its product to the consumer. Not long ago Congress was plead with to place hides on the free list, and hides were placed on the free list, and hides went up and shoes cost the public as much as they did before. Hides are largely controlled by the beef and packing interests. It is unlikely that the placing of sugar on the free list would result in materially lowering its price, as it is also controlled by a combine—the refining interests.

The free listing of agricultural products, as potatoes, for instance, would be different. They would have to drop to the price level of their chief foreign competitor, as there is no combination among the farmers to regulate and support prices.

The chairman of the Ways and Means Committee, Mr. UNDERWOOD, in his report accompanying the sugar bill, stated that cane sugar, which constitutes about four-fifths of the sugar we consume, must be refined. Consequently the refining interest is the most important factor connected with the sugar manufacturing in the United States.

The Democratic majority in this House last summer created a special committee to investigate the American Sugar Refining Co. and others, and recently that committee filed its report to Congress, and in that report states that there is a great combine among the refiners of imported raw sugar; that this combine controls directly or indirectly about 63 per cent of the sugar manufactured and refined in the United States. This combine is

what is commonly known as the Sugar Trust, and being by far the largest importer of raw sugar annually pays to the Government a large part of the $52,000,000 in customs duties now collected on sugar. In view of all the facts, I am opposed to relieving this combine from the obligation to contribute the money it now contributes toward the support of the Government, as proposed by the Democratic Party, as the combine, or Sugar Trust, will be the principal ones to benefit by this surrender and they will allow but small benefit by way of reduction in the cost of sugar to reach the consumer, if any.

It can but arouse suspicion in the minds of men who know something of tariff legislation that every refiner of sugar who appeared before the Hardwick sugar committee advocated either a heavy reduction in the duty on sugar or absolute free trade. Were these men favoring the lowering of duties as against their interests? It is inconceivable that they were. These gentlemen were: Mr. Spreckels, president of the Federal Sugar Refining Co.; Mr. Charles H. Heike, former secretary of the American Sugar Refining Co.; Mr. William G. Gilmore, partner of the Arbuckle Bros.; James H. Post, president of the National Sugar Refining Co.; William A. Jamison, partner of the Arbuckle Bros.; Mr. Edwin F. Atkins, vice president of the American Sugar Refining Co.

The special committee states that the effect of the combination among refiners and manufacturers of raw sugar and the presence or absence of healthy competition is reflected in the variation of the margin between the price of raw and refined sugar; that the price of refined sugar had been kept up in order to pay dividends on bounteously watered stocks.

Only last summer the combine showed its strength by raising the price of sugar as it saw an opportunity to do so, extorting an additional profit of 2 cents per pound from the consumer in the United States. Can anyone believe in view of these facts that the sugar combine would give to the consumers of sugar by lowering its cost any appreciable part of the millions of customs the Democratic Party is now preparing to surrender?

The record of the sugar interests show that they have never surrendered any gains, lawful or unlawful, except when forced to do so. Foreign competition will not interfere with them, as sugar is everywhere controlled by combines; they are world-wide, and the beet-sugar interests, whose production is but one-fifth of our entire consumption of sugar, is not yet sufficiently developed to be an important competing factor with the refining interests, even though the beet-sugar interests were in position to act independent, which all the evidence introduced shows that they are not.

From what source can the American public hope for relief? Surely it can not be expected from turning over to the refining interests millions of dollars in customs now collected by the Government and thus rely on the Sugar Trust to distribute these millions to the public by voluntarily reducing the price of sugar.

The solution of the trust question is one of the great questions of the times. It can never be settled through tariff legislation. Government control in some form will probably be the final solution. All efforts to control trusts so far have been through legislation enacted by the Republican Party, and all prosecutions of the trusts have been carried on by Republican administrations.

Our Democratic friends for years have asserted that if they were given control of legislation they would stamp out all trust evils. They have now been in control of the House over a year, the branch of this Government where legislation should be initiated. They have had numerous special committees investigating nearly all the trusts in the country and every phase of trust activity. These investigations have cost hundreds of thousands of dollars of public money, and I appreciate that members of these committees have been diligent and faithful in their service, but not a single recommendation has been made to date by the Democratic majority here looking toward the solution of this question, and if the Democratic majority leader of the House [Mr. UNDERWOOD] is correctly reported, no immediate solution can be expected. He is reported to have stated in a New York speech during the past winter that he did not favor any further amendments to the Sherman antitrust law—not, at least, for the present.

Until the Democratic Party can present to the country some solution they should cease to charge the Republican Party of being responsible for the trusts and their creation.

Other tariff legislation of the Democratic Party since it secured control of the House of Representatives has been against the interests of the farmers of the country. During the special session last summer the majority here passed a wool bill which would have committed this country to the purchase of foreign wools in the place of domestic wools, would have made our people dependent on the foreign producers of wools by wiping out the flocks of our farmers, and the party proceeded to carry out this legislation without adequate information; and while it is undoubtedly true that the wool schedule needs revision and that its rates can be adjusted to the advantage of the consumers and the manufacturers of woolens and without destroying the growing of domestic wools—regardless of these facts the Democratic legislation struck at our farmers and flocks first.

The President felt obliged to call a halt on that legislation and he vetoed the bill. That his veto was justifiable is practically admitted by the Democratic Party to-day, as they do not dare to go before the country on the bill they passed in this House last summer, and the President vetoed, as shown by the fact that they are now proposing to bring in another wool-revision measure. Will their method of tariff revision of this schedule be better this spring than were their proposals last summer?

Mr. PAGE. Mr. Chairman, this is the language my amendment strikes out of the bill:

Purchase and distribution of valuable seeds: For purchase, propagation, testing, and distribution of valuable seeds, bulbs, trees, shrubs, vines, cuttings, and plants; all necessary office fixtures and supplies, fuel, transportation, paper, twine, gum, postal cards, gas, electric current, rent outside of the District of Columbia, official traveling expenses, and all necessary material and repairs for putting up and distributing the same; for repairs and the employment of local and special agents, clerks, assistants, and other labor required, in the city of Washington and elsewhere, $285,680, of which amount not less than $226,940 shall be allotted for congressional distribution. And the Secretary of Agriculture is hereby directed to expend the said sum, as nearly as practicable, in the purchase, testing, and distribution of such valuable seeds, bulbs, shrubs, vines, cuttings, and plants, the best he can obtain at public or private sale, and such as shall be suitable for the respective localities to which the same are to be apportioned, and in which same are to be distributed as hereinafter stated, and such seeds so purchased shall include a variety of vegetable and flower seeds suitable for planting and culture in the various sections of the United States. An equal proportion of five-sixths of all seeds, bulbs, shrubs, vines, cuttings, and plants shall, upon their request, after due notification by the Secretary of Agriculture that the allotment to their respective districts is ready for distribution, be supplied to Senators, Representatives, and Delegates to Congress for distribution among their constituents, or mailed by the department upon the receipt of their addressed franks, in packages of such weight as the Secretary of Agriculture and the Postmaster General may jointly determine: *Provided, however,* That upon each envelope or wrapper containing packages of seeds the contents thereof shall be plainly indicated, and the Secretary shall not distribute to any Senator, Representative, or Delegate seeds entirely unfit for the climate and locality he represents, but shall distribute the same so that each Member may have seeds of equal value, as near as may be, and the best adapted to the locality he represents: *Provided also,* That the seeds allotted to Senators and Representatives for distribution in the districts embraced within the twenty-fifth and thirty-fourth parallels of latitude shall be ready for delivery not later than the 10th day of January: *Provided also,* That any portion of the allotments to Senators, Representatives, and Delegates in Congress remaining uncalled for on the 1st day of April shall be distributed by the Secretary of Agriculture, giving preference to those persons whose names and addresses have been furnished by Senators and Representatives in Congress, and who have not before during the same season been supplied by the department: *And provided also,* That the Secretary shall report, as provided in this act, the place, quantity, and price of seeds purchased and the date of purchase; but nothing in this paragraph shall be construed to prevent the Secretary of Agriculture from sending seeds to those who apply for the same. And the amount herein appropriated shall not be diverted or used for any other purpose but for the purchase, testing, propagation, and distribution of valuable seeds, bulbs, mulberry and other rare and valuable trees, shrubs, vines, cuttings, and plants: *Provided further,* That $58,740 of which sum, or so much thereof as the Secretary of Agriculture shall direct, may be used to collect, purchase, test, propagate, and distribute rare and valuable seeds, bulbs, trees, shrubs, vines, cuttings, and plants from foreign countries or from our possessions for experiments with reference to their introduction into and cultivation in this country, and same shall not be distributed generally, but shall be used for experimental tests, to be carried on with the cooperation of the agricultural experiment stations.

In offering this amendment to this paragraph in the agricultural appropriation bill I do not feel that any explanation of its effect is necessary. This matter has been, in one form or another, brought upon the floor almost with every recurring annual appropriation bill for the Agricultural Department. I want to say that I represent on the floor of this House a district almost wholly agricultural. Of the 265,000 people who live in that district more than 200,000 of them are engaged in agriculture. There is no provision in this bill for the advancement of the agricultural interests of this country or for the farmer himself that does not have my hearty approval; but this item, which has been carried in the bill since I have been a Member of the House, has never met with my approval, and I am free to say that, in my judgment, it has never met with the approval of the farmer in the United States. In recent years there has not existed an agricultural organization, whether it be the grange or any other organization, that has not at some time passed resolutions condemning this item in this appropriation bill.

I understand, and the farmers of the country have come to understand, why this item is so extremely popular here. It is popular here not because it is for the benefit of the farmer, but, to use plain language, because it is a congressional gratuity, and the farmers of the country know as well as do my

colleagues who sit around me that this is the fact. The farmers are tired—eternally tired—of being fed upon the husks of legislation. They are not caring about a 5-cent package of garden seeds of doubtful value, particularly when they know that they are paying vastly more than this amount in taxes in order that they may have them. They are caring intensely about some other things that are not receiving the attention from the Representatives that they think they ought to have. Of all classes in this country the man who digs his living out of the ground is asking less of special favor from the legislators than any other class in it. He does not want special favors nor class legislation. Indeed, his chief complaint is that in the past he has been the victim of legislation conferring special favors upon other people. He is tired of paying the bills to meet the favoritism that has been dealt out here to other classes of people in the country.

The farmer wants the substantial things that can be given him by this body, and mind you, my colleagues, sooner or later he is going to have them, not only because he is asking for them, but because of all classes in this country he most deserves them. I will stand upon this floor and advocate any measure that tends, or will tend, to make better the conditions of the man who lives in the isolation of the country, and by whose toil the whole population is fed, and upon whose well-being and prosperity depends the welfare and prosperity of the country as a whole. He deserves at our hands anything that will make his life more bearable or his profession more profitable. We have done something for him. This Democratic House has passed bills removing the tariff duty from farm implements, wire and wire fencing, woolen clothes, and other necessities. We need to do more, and for that reason, as one, I stand and say to-day that instead of giving him a 5-cent package of garden seeds to remind him of the approach of spring and the congressional primaries, he should be given legislation that he is demanding in the form of parcel posts, and he should be given a fair chance to market his crops under normal conditions without the restrictions of exchanges and speculators upon the market. That is what the farmer in this country wants. He is tired of this bauble, and if those of my colleagues who disagree with me—and I realize, Mr. Chairman, that they are likely in the majority—think this congressional distribution of garden seeds, involving an expenditure of something over $260,000, out of which they may send their farmer constituents a package of seeds, and at the same time write a letter telling of their activities here—if they think they are going to satisfy him with that, they are mistaken. If they will pass some other legislation, and take out of this bill this paragraph, they will then find that it meets with the commendation and the praise of the men they are supposedly legislating for in this paragraph.

Mr. Chairman, I have now, after the speech of my friend from Mississippi [Mr. CANDLER], exactly the same hope of seeing my amendment carried that I had when I introduced it, and if the House is indebted to me for nothing else—and I have heard whisperings of an organization to get me out of the Chamber—it is indebted to me for having brought forth the annual production of the gentleman from Mississippi [Mr. CANDLER]. The House of Representatives would have escaped it had it not been for my amendment.

Mr. CANDLER. They did not show much disposition to escape.

Mr. PAGE. They showed no disposition to escape it, having greatly enjoyed it, as I am sure his constituents will when he circulates his speech in his district.

Mr. Chairman, this matter is not either a small or a light matter with me. I am not waging any war upon the agricultural classes of this country; far from it; neither am I waging any war upon my colleagues upon this floor. The Democratic Party came into power in the House of Representatives at the recent election, and if it was pledged to anything at all it was pledged to economy. In my judgment, and I have the right to express my own judgment on this floor, here is $268,000 appropriated in this bill that is absolutely useless and practically worthless to the class to whom it is pretended the benefits are going, and could be stricken from the bill without injuring any interest in this country.

I should feel that I was not true to my own constituency, or true to the obligations of my own party, if I had allowed this bill to go through with this item in it without making a protest against it. The $268,000 involved is only a small amount of the cost of this congressional gratuity—their preparation and transportation through the mails adds immensely to it.

I know that what I said in the remarks I first submitted to this House this morning is true, that gentlemen here place a large estimate upon the value of this appropriation; but I desire to say to the House that during the first Congress in which I had the honor to serve my people, and that is nearly 10 years ago, I voted against this appropriation for the congressional distribution of garden seeds, and I have voted against it at every opportunity that has presented itself since that time. So far as the farmers in my district are concerned, I know what I am talking about when I stand on this floor and say that they not only do not approve this appropriation, but that they condemn it, and I know that it costs them vastly more than they get out of it and it is used for the purpose of keeping them from having what they want and what they desire. When my colleague from Mississippi [Mr. CANDLER] intimates that the opposition to this appropriation comes from those who are interested in the sale of seeds in this country, I desire to say that this is tommyrot, and nothing less, because this Agricultural Department, by the very provisions of this bill, is permitted and does buy these seeds from the seed growers of the country. There is absolutely nothing in that argument.

Mr. RODDENBERY. Mr. Chairman, will the gentleman yield?

Mr. PAGE. Certainly.

Mr. RODDENBERY. The gentleman does not mean to say that the Agricultural Department buys all of its seeds.

Mr. PAGE. I mean to say that it buys the larger portion of them. I would like the gentleman to tell me what proportion.

Mr. RODDENBERY. Does not the gentleman know that the department opens this seed proposition to the best bidder, irrespective of the grower, or whether he is a seed man?

Mr. PAGE. I see by the provisions of the bill that the department is authorized to buy them at private sale or at auction, or in any other way.

Mr. RODDENBERY. Does not the gentleman know, as a matter of fact, that for the last three years certainly all of the seed contracts have been opened to bids of seed men and growers alike?

Mr. PAGE. I think that is probably true, though I do not know it of my own knowledge; but that does not alter the case, so far as the gentleman from Mississippi is concerned. If they buy them from the seed men, the seed men sell them to the Government instead of selling them to the individual. I do not see how that can enter into this argument.

Mr. RODDENBERY. Does not the gentleman know that where everything else is equal, the policy of the department is to give the contract to the grower in preference to the seed men?

Mr. PAGE. The gentleman does know that where everything is equal, where the Government has to buy anything, it pays about twice as much for it as does the individual.

Mr. RODDENBERY. Does not the gentleman know that on the 7th of January of this year——

Mr. PAGE. No; I do not, and the gentleman can get time of his own right to tell what happened on the 7th of January.

Mr. Chairman, in conclusion, I merely want to say that it is a matter of indifference to me individually whether this appropriation remains in the bill or whether it does not. So long as it remains in this bill, and there is a congressional distribution of seeds I shall inflict the people in my district with those apportioned to me, just as every other man does; but I do it only because I would be open to reproach if I did not, for a great many reasons, and with my eyes open to the fact that my people largely do not use them. I have gone through my district during a campaign in September and October, have gone into the homes of my farmer constituents, one after the other, and in the old cupboard in the corner of the living room, where the rubbish is put which they are not quite willing to throw away, but that they consider of little or no value, you will find the garden seeds I have sent them. I have asked the question, "Why didn't you plant them?" And they have replied that they did not simply because they could not depend upon them and that they were afraid to risk them, and that their ground was worth too much to take the risk.

Mr. WICKLIFFE. Mr. Chairman, will the gentleman yield?

Mr. PAGE. Certainly.

Mr. WICKLIFFE. Have the farmers' unions passed resolutions condemning the seed distribution?

Mr. PAGE. I can not say positively, though numerous individual officers and members of this organization have condemned this proposition in private conversation with me, and every reputable agricultural paper of which I have any knowledge has declared it a waste of public money.

Mr. Chairman, my only purpose in this matter or in any other that has come before this body for consideration since I have had the honor of membership in it has been to favor and help to pass such legislation as was in the interest of the great mass of the people, to thoroughly and honestly reflect the will of that immediate constituency who have honored and com-

missioned me as their Representative, to reflect here by voice and vote their will and to guard their interests. They are opposed, and rightly, to being taxed, even though it is indirectly, to swell the profits of the trusts and monopolies that have grown up under the policy of protection. They still believe in the soundness of the old slogan "Equal rights to all and special privileges to none." They are willing to contribute their proportion to the funds necessary to properly and economically administer the affairs of their Government. They are themselves an economical people and believe that their Government should be careful of its expenditures. I have never received a commission from them to loot the Treasury that they must help to keep filled, but rather to guard it against those who would recklessly invade it for private or local gain. I have made no boast as to the amount of money I have been able to take from the Treasury for investment in my district, but, on the other hand, have spent my time and energies in efforts to prevent useless expenditures everywhere.

Under the administration of the Agricultural Department much has been accomplished for the advance of the science of agriculture, and as time goes on much more will be done, and I shall lend my voice and vote to every measure that has in it the advancement of the science and of the men who follow it. But I shall not vote now nor in the future to expend nearly $300,000 for an item the leading purpose of which is to help the Member of Congress gain the good will and support of a class of his constituents. If my service does not entitle me to their confidence, I shall not undertake to secure their support in this way.

Mr. SLAYDEN. Mr. Chairman, farming conditions must be somewhat less attractive in North Carolina than those in Texas. It does not take a few packages of seed to make farm life attractive or to make a man love the country in my State, where conditions are altogether charming. In Texas we plant and we reap and nearly always have a satisfactory yield. In Texas, in the country, all the land is covered with flowers and the trees are full of singing birds.

Mr. PAGE. Will the gentleman permit a question? Is it not true in Texas, as elsewhere, that the trend of population is to the cities and mostly away from the country?

Mr. SLAYDEN. No; I think not. But, Mr. Chairman, the flowers that bloom in the spring have nothing to do with the case which I meant to discuss. I was just having a little jest with the gentleman from North Carolina. I rose for the purpose of making a serious complaint against some of the officials of the Department of Agriculture. I do not think I will have to raise the question of personal privilege that anybody is trying to steal any large section of the State, and no man can overstate the value of Texas lands when he is trying to induce purchasers. What I complain of is that the Government has some special agents of the Department of Agriculture who are circulating around through the State of Texas undertaking, from what I can gather, to advise the farmers in the conduct of business—which, I think, they understand much better than those agents—and giving the farmers a lot of mischief-making advice. I have received a large number of letters in the last few days from constituents telling me that Mr. So-and-so, an agent of the Department of Agriculture, had been there on certain farm-demonstration work, or delivering lectures, or something of that kind, and that he was advising them to write to their Representatives in Congress to get cotton seed. Now, I am not making an appeal for a greater allowance for seed. Really, I think perhaps it might be reduced. As a matter of fact, each Member receives 100 packages of cotton seed, a peck to each package. The demand created by these pestiferous agents of the Department of Agriculture can not be met. Yesterday I received in my mail one letter containing the addresses of 12 farmers, to each of whom I was requested to send a package of cotton seed. My 100 packages had been distributed, and unless some gentlemen from the banana belt of the Dakotas or Massachusetts comes to my rescue and gives me some cotton seed, or some one who represents a city constituency, I do not know what I am going to do.

Mr. FITZGERALD. Take my part.

Mr. SLAYDEN. I think that the Secretary of Agriculture should tell his agent, and tell him plainly, that that line of advice must be stopped. I have here a sample of letters of many that I have received in the last week. One of them says:

Mr. A. J. Mackey stayed here last night, and he told me you had some Lone Star cotton seed—

I will say to my friend from North Carolina that is the best—

that you are giving out to the farmers.

Here is another one which says:

Mackey, an agent of the Department of Agriculture, stayed here last night, and advised, etc.

Last year, Mr. Chairman, an agent of the Department of Agriculture, from Waco, I think it was, advertised in the newspapers that an unlimited supply of cotton seed was at the command of various Members of Congress in the State of Texas, and recommended to the farmers to send for them. Well, they sent. Of course, it was impossible to meet the demand, and now I ask the chairman of the Committee on Agriculture, who has this bill in charge, if he can not incorporate in it, in some form or other, an amendment forbidding the Department of Agriculture from indulging in this bunco game with the farmers.

If the agents of the department create or stimulate this demand, then, of course, the department should supply the seed. If it can not do so; if it has no appropriation from which to do so, it ought to recall its agents, who inspire farmers to ask for what they know they can not get, or take some steps to compel them to quit telling things that are not true.

Mr. LAMB. Mr. Chairman, this question produces discussion every session of Congress. I anticipated that it would occur again, but I did not think that the amendment would possibly come from this side of the House. Now, in looking over this bill in anticipation of what might happen here, I suggested to one member of the committee who is always interested in seeds to be prepared to present the committee's views, inasmuch as this appropriation is in the bill, and Mr. CANDLER, of Mississippi, will answer the gentleman from North Carolina. [Applause.]

Mr. CANDLER. Mr. Chairman, I indulged the hope that the chairman seems to have—that this amendment which has been presented by the gentleman from North Carolina would not be offered to the present bill. This question has been fought out in Congresses preceding this, and the result upon all occasions has been the same as I believe it will be upon this occasion. The gentleman presents the usual argument that certain organizations over the country are opposed to this distribution and that, in his judgment, the adoption of this amendment will meet the approval of those organizations; and, further, he states he believes the people would also approve if this provision is stricken out.

We had occasion when I was a member of the Agricultural Committee a few years ago to thoroughly test and investigate the conditions which existed and the sentiment which was behind the proposition to eliminate the provision which now appears in this bill. It appeared at that time that the sentiment which was behind the resolutions which were passed by different organizations throughout the country and the discussions which appeared in the newspapers throughout the land was in a large measure instigated by the people who produced seeds and who wanted to sell them to the people, and who were at that time recognized as a "seed trust" in the United States and were trying to prevent the farmer receiving even one single package of seed from the Government.

Mr. PAGE. Will the gentleman allow a question?

Mr. CANDLER. Certainly.

Mr. PAGE. Is it not true that these seeds that are sent out by the Members of Congress, known as the congressional distribution, are bought by the Agricultural Department from the seed growers of the United States?

Mr. CANDLER. Not entirely, by any means.

Mr. PAGE. What proportion of them?

Mr. CANDLER. A great many of them are produced under the direct supervision of the Agricultural Department at the experiment stations and on the experiment farms throughout this country.

Mr. ELLERBE. Will the gentleman yield for a question?

Mr. CANDLER. With pleasure.

Mr. ELLERBE. Is it not true that while at present the department purchases from individuals who have been successful in producing certain seeds, that if they were to cut that out these seed growers would have a monopoly of the whole business?

Mr. CANDLER. They would have absolutely a monopoly of the whole business throughout the country; and that was the point I was attempting to make when I was interrupted by the gentleman from North Carolina [Mr. PAGE]. The evidence taken before the Agricultural Committee at the time to which I refer, when there was the greatest contest ever made in reference to this proposition, thoroughly demonstrated that to be the truth. It is true that some of these seeds are bought from the seedsmen, but they are bought and tested by the Agricultural Department, and none of them are sent through this distribution until they have been thoroughly tested as to type, as to their productiveness, and as to their soundness, and everything that goes to make up the very best possible seed which can be furnished to the people by any means whatsoever.

Therefore, while it may be true that it amounts to but little to the individual farmer or to the individual person throughout this country, it amounts to this much: It goes into every home practically in every congressional district throughout the United States of America. It is practically the only direct means of communication between the citizens in the hamlet and in the vale, in the valley and on the hilltop in this country, with the Government which he supports and which he maintains by digging the prosperity which he gives to the Government out of the ground in the sweat of his own face.

And it is as little as can be done to furnish the farmer throughout this country at least one avenue through which he may communicate with this great Government which he has done so much to sustain. [Applause.]

Mr. PAGE. One question. The gentleman speaks of the communication of the farmer and the great mass of the people with the Government through this package of garden seeds. Would the gentleman accept an amendment sending out these seeds directly by the Agricultural Department and leaving off his frank?

Mr. CANDLER. I would not, I am frank to say, because my people send me here to look after their interests, and I believe I can look after the distribution of seeds for my district better than the Agricultural Department. If it was left absolutely to the Department, they might believe my people were entitled to a few packages of seeds or they might not believe it. They might believe that the great bulk of the seeds should go into one section of the country and that only a small quantity should go into another section of the country. Let us send them to all alike, and this can only be done through the present system of distribution.

The CHAIRMAN. The time of the gentleman has expired.

Mr. LEVER. Mr. Chairman, I ask unanimous consent that the gentleman from Mississippi may have five minutes more.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. CLARK of Florida. Will the gentleman yield?

Mr. CANDLER. With pleasure.

Mr. CLARK of Florida. I want to ask the gentleman from Mississippi that if we should agree and it should be provided that the Agricultural Department should send out all these seeds, is it not true that the department officials, not being personally acquainted with all the people in the various districts, a great many widows and very poor people, mechanics and laborers in towns, who have little garden patches, and people of that kind, might be left out and might not get the benefit of this great distribution?

Mr. CANDLER. There is no doubt but that condition would exist and that result be obtained. I dare say that every Member, practically, pursues the course I do, in all general respects, at least, and that is to see that everybody, so far as it is possible, shall receive some benefit, though it be small, from this distribution. My rule is and always has been to try to get the names of the widows, as well as the old men, and the young men and the bright, blue-eyed, rosy-cheeked girls, and to see that they are all supplied with garden and flower seed when it is possible to supply them. [Applause.] I seek through my friends to especially get the name of every widow in my district and send to her a package of garden seed. [Applause.]

When you say that the people do not want these seeds you simply state something that is unfounded in fact, so far as my observation and experience go, because there is not a single mail that comes into my office or a single day that goes over my head during the time that this distribution is being made in which I do not receive requests from gentlemen, from ladies, from boys and girls throughout my district to send them garden seed and flower seed. [Applause.]

People do not take the time to sit down and write a letter and inclose it in an envelope and put a 2-cent stamp on it and put it in the post office, and send it on its mission to Washington, asking a little service at the hands of their Representative in Congress, when they do not want what they ask for. No; they put themselves to this trouble because they really do want this service, and really do want the package of flower seed or the package of garden seed that they ask for. [Applause.]

Mr. ELLERBE. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from Mississippi yield to the gentleman from South Carolina?

Mr. CANDLER. Yes; I am glad to yield.

Mr. ELLERBE. This is with me rather a serious matter, and I want to ask my friend one or two questions.

Mr. CANDLER. I will yield to the gentleman with pleasure.

Mr. ELLERBE. Is it not true that the Government is trying to eradicate the boll weevil in Texas and spending a great deal of money in that work?

Mr. CANDLER. Yes; and in other parts of the country, and in Mississippi as well.

Mr. ELLERBE. I meant particularly in Texas, where it first started.

Mr. CANDLER. Yes.

Mr. ELLERBE. Is it not true that a package of cottonseed was sent out from the Agricultural Department, and the result of the sending of those seeds proved that the best method of preventing the ravages of the boll weevil was to be obtained by planting that early variety of cotton and thus preventing the ravages of the pest? Is not that true?

Mr. CANDLER. That is true.

Mr. ELLERBE. Was not a package of tomato seed sent to New Jersey, and did not the variety of tomatoes developed from those seed eventually enable the people up there to get 75 cents a basket for their tomatoes, where they formerly got only 15 cents, and did not that enable them to lift their mortgages from their farms? Is not that true?

Mr. CANDLER. It is.

Mr. ELLERBE. Is it not true also that packages of Rocky Ford canteloupe seed, sent into various localities, have enabled the people there to lift their mortgages from their farms?

Mr. CANDLER. I think that is true.

Mr. ELLERBE. I do not know what is sought to be done here, but, as a man who was born on a farm and who spent all his life on the farm, I think this House will make a great mistake if it knocks out this appropriation. [Applause.]

Mr. CANDLER. How much time have I remaining?

The CHAIRMAN. The gentleman has two minutes remaining.

Mr. McLAUGHLIN. Mr. Chairman, I ask unanimous consent that the time of the gentleman be extended half an hour.

Mr. CANDLER. I thank my good friend, but I think 10 minutes will be sufficient.

Mr. BYRNES of South Carolina. Mr. Chairman, I ask unanimous consent that the gentleman be allowed to proceed for 10 minutes.

The CHAIRMAN. The gentleman from South Carolina [Mr. BYRNES] asks unanimous consent that the gentleman from Mississippi [Mr. CANDLER] be allowed to proceed for 10 minutes. Is there objection?

There was no objection.

Mr. CANDLER. Everything that has been said by my distinguished friend from South Carolina [Mr. ELLERBE] is absolutely true. The proof of it is apparent when you begin to try to secure information as to the good effect of the distribution of seed. You find it is so great as to be almost impossible of ascertainment, because of the fact that the benefits derived from it go throughout the length and breadth of this land, in every neighborhood, in very State, in every community, in every county, and in every subdivision of every county in this broad land. [Applause.]

The matter mentioned by the distinguished gentleman when he referred to the Rocky Ford cantaloupe is a good illustration of other matters of the same kind. That cantaloupe not only now supplies the East, which did not know about the richness and the lusciousness of it until it was furnished by the seed from the Department of Agriculture which produced it, but it is sent to the general markets of the country and supplies the tables of those who live in the great cities as well as in the towns. Not only that, it is going across the waters to supply foreign shores and foreign tables therein, and it permits the bringing back of the substance of those shores to our country. It is the only variety of cantaloupe that will bear exportation to foreign countries and preserve its sweetness until it reaches the foreign shores. [Applause.] Now, so far as was suggested by my friend a moment ago, that the farmers want other kinds of legislation, it is true they want some other kinds of legislation, and I daresay there is not a man on this floor who is more ready to give them what they want than I am. If there is one thing I have tried to do since I have been a Member of Congress, it has been to advance the interests of the agriculturist, to advance the interests of the farmer throughout the United States of America, whether he live North, South, East, or West. When it comes to the man who goes down and digs his living out of the ground and works it out in the sweat of his face, I am ready to lend him a helping hand for garden seeds or anything else which he may desire. Whatever legislation he wants he ought to have, and I will join you and give it to him. [Applause.] It may be commendable and necessary for us to consider economy, and I am willing to economize along any line which may be presented wherever true economy can be obtained, except upon the farmers of the United States of America. [Applause.] I am not willing to economize on them, because the record shows that they are the ones who take care of this Government in times of

stress and storm, in troubles, trials, tribulations, and sorrow. Whenever we want prosperity we must look to the farmer, because it is from his products that the balance of trade is brought from yonder shores to the people of the United States of America. Taking into consideration every other product that can be exported, of every kind and description, without the farmer the balance of trade against this great country would have run up into millions upon top of millions of dollars. But the products of the farm have gone into the foreign trade and brought the yellow gold back from foreign shores and filled our coffers, so that we have a balance of trade in favor of the United States of America to-day that runs up into the billions of dollars.

I find by investigation that during the last five years we have appropriated for the Navy Department of this Government the enormous sum of $728,000,000. During the same period of time we have appropriated for the War Department $786,000,000, whereas we have only appropriated for the Agricultural Department, from 1839 down to and including the year 1912, the small, the insignificant, the pitiful sum, in comparison with these others, of $168,000,000. Still to-day you propose to take away from the farmer the little pittance of garden seed. You would take away from his sweet wife, who labors with him day by day and helps to keep up the prosperity of the country and to maintain its welfare, its purity, and its nobility, the little package of flower seeds that goes to decorate her front yard. [Applause.] You would take away from her the seeds that would produce the vine that would grow in front of the window to lend gladness to the sunshine with its brilliancy and carry joy through the window of the humble cottage. [Applause.] I do not believe this House will indulge in any such economy as this. I do not believe it will take away from the people of this country this small pittance and send a message into every home that the Congress of the United States, while willing to appropriate billions of dollars for these other purposes, are not willing to appropriate the small sum herein provided for to furnish a package of garden seed, or a package of flower seed, or a package of cotton seed, or other kinds of seed to those who want them. This is an important question. It is so important that I secured a quantity of a certain variety of early maturing cotton seed that I believe will be good for Mississippi and good for the first congressional district, and am now distributing them in order to get ahead of the boll weevil, as was suggested a moment ago, by getting an early maturing variety of cotton, so that it will go in advance of the boll weevil and circumvent his disastrous onslaught upon the greatest commercial asset and the greatest agricultural product in all this land, which is cotton. [Applause.]

That cotton seed is named "Candler's Prolific." It is going into the State of Mississippi to-day, and I hope it is going to be so prolific that it will get ahead of the boll weevil and preserve the cotton crop in the first congressional district, and if you will send these valuable seeds throughout the country in time I sincerely trust we may save the cotton crop of the country. [Applause.]

Mr. LA FOLLETTE. Will the gentleman state what is the name of this early cotton seed?

Mr. CANDLER. It is called "Candler's Prolific." [Applause.] Therefore not only is this cotton proposition very important, but the diversification of crops in connection with the distribution of the seeds is a very important matter to the South, to the people of the South, where the boll weevil has appeared and is absolutely destroying the cotton crop; where the people are not prepared to meet it. My distinguished colleague from Mississippi [Mr. DICKSON], who is not present now, having been called home by serious illness in his family, lives to-day on the farm and in the house where he was born. He has been raising cotton during all these years. Four years ago he raised 376 bales of cotton, the next year 173 bales, and the next year 36 bales. This past year, with 18 families which he supported and took care of and provided the necessaries of life for and used to the best advantage, he produced only a bale and a fraction of cotton upon his home farm. You will readily see from this concrete example the importance of this situation. These seeds are sent into localities to determine by actual experiment whether they will prevent the difficulty the people are having, and then by demonstration showing that they can escape this trouble, and by following up the results of these experiments and demonstrations they prevent the awful disaster that overhangs them like a great cloud beneath which they will be submerged and their crops destroyed, and the absolute prosperity of that whole section of the country taken away.

This, my friends, is not a small question. I have stood here and fought for it in days gone by. I hoped that the battle was ended; but I want to tell you that as long as this fight is kept up I am going to stand in the front line and protect the interests of the farmers in this country. [Great applause.] Now, I will not take the time of the House longer. I have many other matters that I want to say, and should I say them, judging from the enthusiasm around me and the cries to go on, I have no doubt they would interest you, but I desist in order to secure a vote as soon as possible, and ask unanimous consent to extend my remarks in the RECORD.

The CHAIRMAN. The gentleman from Mississippi asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

Mr. LAMB. Mr. Chairman, the gentleman from Mississippi has shown himself worthy of the name I have given him.

A MEMBER. What is that name?

Mr. LAMB. The gentleman from Mississippi will tell you. [Laughter.] I now, Mr. Chairman, move that all debate on this paragraph and amendments thereto close in 10 minutes. We must get along with the bill.

Mr. MANN. I hope the gentleman will not make his motion cover all amendments to the paragraph.

Mr. TAYLOR of Colorado. Mr. Chairman, I have an amendment that I want to offer.

Mr. LAMB. Very well, Mr. Chairman, I will modify my motion and say 10 minutes on the two pending amendments.

Mr. TAYLOR of Colorado. What two amendments?

Mr. LAMB. The two that are pending—the one offered by the gentleman from North Carolina and the amendment to the amendment offered by the gentleman from Maine. My motion is that all debate on these two amendments be closed in 10 minutes.

The CHAIRMAN. The gentleman from Virginia modifies his motion that the debate on these two pending amendments close in 10 minutes.

The question was taken, and the motion was agreed to.

Mr. SMALL. Mr. Chairman, I am constrained to disagree with my colleague [Mr. PAGE] in the amendment which he has offered to strike out the provision of the bill. In fact, I think the greatest merit in the amendment arises from the reputation of the gentleman who presented it. The item proposed to be stricken out provides for the purchase, testing, propagation, and distribution of seed of improved varieties. I have been able to keep somewhat in touch with advances in agricultural methods during the past decade or more, and the greatest advance has been in recognition of the value of propagation and selection and testing of improved seeds. No greater advance has been made in agriculture than the lessons which have come from the testing of seeds, particularly of the staple crops.

Mr. PAGE. Mr. Chairman, will the gentleman yield?

Mr. SMALL. We are all familiar—I have only five minutes.

Mr. PAGE. For a question, or, rather, a statement. I want to say to my colleague that my amendment leaves $58,000 in the bill for the testing of rare and valuable seed.

Mr. SMALL. I understand that, Mr. Chairman, and that would not accomplish the purpose which is intended by this provision. We are all familiar with the wizard, Luther Burbank, and nearly all he has accomplished in a large part of his work has been reached by the process of selection of seed. Now, this bill provides for the propagation and the testing, and, as I understand it, while the department is authorized to purchase seeds from any available sources, yet all of those seeds before they are distributed have samples taken from them and are put through a process of testing by which their germinating qualities and their virility is ascertained, and no seeds are distributed unless they are tested in this manner. I regard this work as being a valuable one. I know there are certain newspapers which ridicule it; I know that occasionally you may find a farmer who is unappreciative of them; and yet if my constituents—and I live in an agricultural district—are typical of the other agricultural districts of the country, I happen to know that this distribution is appreciated by most, if not all, of the intelligent farmers. Time after time—I am sure to the extent of more than 1,000 letters every year—I get communications from farmers telling me of the value of this or that variety of seed, and I happen to know——

Mr. JACKSON. Will the gentleman yield for a question?

Mr. SMALL. Yes.

Mr. JACKSON. The gentleman stated the farmers who get the seed greatly appreciate them. Ought not they to be interested enough to write for them? I will ask that question first, and will follow that with another.

Mr. SMALL. Well, Mr. Chairman, that may work in theory, but not in actual practice. There is not a Representative in this House from an agricultural district who is not entirely familiar with the indisposition of the average farmer to corre-

spond with his Representative, and in conversation with them, as other Members I am sure will testify, I have had them to say to me, "I wished to write you about such a matter, or I wished to get some information from you, but for one reason or another failed to write you." The fact that this large quantity of seed might not be distributed, if its distribution was dependent upon personal requests for them, is no criterion of the extent to which they are appreciated by the farmers in the agricultural districts.

Mr. JACKSON. Are there not two sides to this question also? Ought the Government to be expected to make an appropriation here practically of a quarter of a million dollars, leaving a large part of it—most of it—at the disposal of the Congressmen, solely because you say the men who want these seed will not write for them, when if they know that they would write for them the men whom it would benefit could be served at half the expense?

Mr. SMALL. But, Mr. Chairman, to put the proposition the other way: Is a Representative here, supposed to be conversant with the activities of the executive departments, to expect his constituents to be equally as conversant as he is and to write him for information, for publications, or for other results of the activities of the department. It is the duty of the Representative to be in the advance guard and through those activities to serve his constituents. [Applause.]

Mr. ELLERBE. Will the gentleman allow me to ask him one question?

The CHAIRMAN. The time of the gentleman has expired. All time has expired.

Mr. MICHAEL E. DRISCOLL. Mr. Chairman, I ask unanimous consent that this amendment may be reported again, for the information of those who did not happen to be in.

The CHAIRMAN. Without objection, the amendment and the amendment to the amendment will be again reported.

There was no objection.

The amendment and the amendment to the amendment were again reported.

The CHAIRMAN. The question is on the amendment to the amendment offered by the gentleman from Maine.

The question was taken, and the amendment to the amendment was rejected.

The CHAIRMAN. The question recurs to the amendment offered by the gentleman from North Carolina.

The question was taken, and the Chair announced the noes seemed to have it.

On a division (demanded by Mr. PAGE) the committee divided; and there were—ayes 19, noes 84.

So the amendment was rejected.

Mr. TAYLOR of Colorado and Mr. PEPPER rose.

The CHAIRMAN. The gentleman from Colorado [Mr. TAYLOR] is recognized.

Mr. TAYLOR of Colorado. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The gentleman from Colorado offers an amendment, which the Clerk will report.

The Clerk read as follows:

Page 26, after line 10, insert:

"That the sum of $50,000 be, and the same is hereby, appropriated, out of any money in the Treasury not otherwise appropriated, for the purchase and special distribution of seeds in those sections of the Western States where, on account of the drought of 1911, the crops were a failure, the same to be distributed at the discretion of the Secretary of Agriculture, to be immediately available."

Mr. LAMB. Mr. Chairman, I reserve a point of order on that amendment.

Mr. MONDELL. Will the gentleman from Colorado [Mr. TAYLOR] yield to me for a suggestion?

Mr. TAYLOR of Colorado. Yes, sir.

Mr. MONDELL. Will the gentleman object to amending his amendment by inserting the words "field and garden"?

Mr. TAYLOR of Colorado. No; I will be perfectly willing to accept that modification.

Mr. MONDELL. That would evidently cover what the gentleman desires, I understand.

Mr. LEVER. It is understood that the point of order is reserved against the amendment and the change suggested by the gentleman from Wyoming.

Mr. TAYLOR of Colorado. I ask to have the amendment modified in accordance with the suggestion of the gentleman from Wyoming [Mr. MONDELL].

Mr. MONDELL. I ask, subject to the point of order, unanimous consent that before the word "seeds" the words "field and garden" be inserted.

The CHAIRMAN. The gentleman from Wyoming asks unanimous consent that the amendment be modified, subject to the point of order, as he has suggested. Is there objection? [After a pause.] The Chair hears none.

Mr. TAYLOR of Colorado. Mr. Chairman, I want to call the attention of the House briefly to the condition which makes this amendment necessary. You will all remember that a few years ago Congress passed what is known as the enlarged or 320-acre dry-farming homestead act. Under that law there have been thousands of people who have gone out into what was formerly known as the Great American Desert and located homesteads. During most years there have been sufficient rains so that many of those people have gotten a good start and are doing well. Generally speaking, the law has been a benefit in the development of the West. But during the last two years in some districts there has been an absolute drought, no rain or snow whatever, and thousands of those homesteaders throughout the West have not been able to raise anything for two years. We get a great many heartrending appeals from large portions of several States throughout the West describing the pitiable conditions of those settlers. Some of them have even sold everything they have to live on, and have no possible way by which they can get seed to plant during this spring. There are only a few small districts in eastern Colorado where this condition prevails. My amendment is for the relief of all new settlers throughout all the drought-stricken districts of the West. If the Government would come to the relief of these settlers and furnish them with even a small amount of seed just for the starting over again, it would be an act of common humanity, and it would be a wonderful benefit to a large number of deserving people in those temporarily unfortunate portions of the West. It does seem to those of us who come from that country, that while we are so liberally appropriating hundreds of thousands, yes, millions of dollars for experimental work and other work in the Agricultural Department, that this is a place where Congress could not only do a wonderful amount of good, but you would be saving the homes and almost saving the lives of thousands of bona fide settlers, good people, who are following out the noblest instincts of the human race in trying to establish a home. I feel that this is an amendment which ought to appeal to this House, and that the committee itself ought to join with me in supporting the amendment to furnish to these unfortunate and discouraged people merely a few seeds to be distributed under the supervision of the Agricultural Department.

I have personally taken this matter up with Secretary Wilson of the Department of Agriculture, and he recognizes the merits of this claim. He has written to me and told me personally that if there could be an appropriation secured for this purpose he would very gladly distribute the seed in a way that would do the most good and endeavor to save the homes and be of untold benefit to those settlers. I earnestly hope that the House will favor this amendment and will allow those people to have this necessary seed with which to get another start. This is not for experimentation, nor for anything that is theoretical; it is practical; it is a matter of dire necessity.

The Secretary of Agriculture some time ago promised, if he possibly could, to furnish me with an additional supply over my allotment of garden seeds, so that I might send them to the drought-stricken portions of eastern Colorado, and I have been very much in hopes that I might be able to secure enough in that way to supply these settlers with at least enough to provide a garden for them. But Secretary Wilson advised me the other day that the demands for seed this spring have been so great that the supply of the department is completely exhausted and that he can not furnish me any. So that, unless this appropriation is made, there will be many homesteaders throughout several of the Western States who will be compelled to leave their claims uncultivated and unoccupied during the coming season and the claimants go away to earn a living and if possible earn something with which to get another start.

Mr. Chairman, in this connection and in answer to the amendment offered by the gentleman from North Carolina [Mr. PAGE], and which amendment seems to be offered every year by some Member, to strike out the appropriation for the purchase and distribution of garden and flower seeds, I want to offer a few suggestions regarding the manner of distributing these seeds by the Members of the Senate and the House.

Before I came to Congress I had the impression, which seems to be quite common throughout the country, that the sending out of these seeds was a waste of material and energy, and that no one was benefited excepting the people who raise the seeds. I think that impression is in some cases correct, and that the way many Members send out the seed they are very largely wasted and little appreciated. I understand that many Members send their seeds out in bulk, sometimes several large

sacks full, to the political leaders of their party in their district; and often these party leaders do not make any systematic attempt to distribute them among people who want and would use them. I understand there is often no effort to systematically ascertain who wants and who will beneficially use these seeds. I am advised that other Members take the poll list of the voters in their disrtict and send one package to each voter. They might just about as well throw the seeds away, because one package of seed is not sufficient to do anyone any good, and 6 out of 10 packages of seed sent out that way go to people who care nothing about them and who can make no use of them and do not want them. They are thrown in the wastebasket, and it is ridiculed and has by those people become a kind of an annual standing joke. Moreover, I do not believe in making the distribution of seeds a matter of partisan politics. Because a congressional district is represented by either a Democrat or a Republican is no reason why the poor people, or people who are not poor, who want and will beneficially use these seeds should have no opportunity of obtaining them unless they belong to the same political party as the man who happens to be elected to Congress from their district. Besides, when they are sent out in that manner there is little or no selection of the varieties, and often the seeds are entirely unsuited to the climate and locality to which they are sent, which very naturally disgusts the people.

I think that way of distributing, or, rather, wasting the seeds, ought to be stopped. I think the distribution ought to be made in a systematic way and in a nonpartisan way. If the seeds could be sent only to those who want them, I believe they would do 10 times more good than they do at the present time. I have thought about this matter and investigated it considerably, and I adopted a system last spring and am following it this spring. I prepared a letter to the newspapers of my State briefly calling their attention to the fact that my annual allotment of vegetable and flower seeds was ready for distribution and that I would not send any seeds whatever to anybody excepting to those who wrote me a letter or postal card requesting them, because I did not want to waste them or bother anyone with seeds who did not care for them, but stating I would be very glad to send a few packages to every one who cared enough about them to drop me a line giving me his or her name and address. I asked the newspapers to kindly publish that letter or mention its substance. I sent those letters to nearly all the newspapers in the State. I, of course, did not send them to all the newspapers in the large cities, but to such papers in the cities as I knew circulated largely among the laboring people; and I tried to reach every paper in the country counties, especially where there are new settlers. Some of the more partisan Republican papers will not mention it, but a few of them do.

Mr. MANN. About how many requests for seeds does the gentleman receive during the course of the year?

Mr. TAYLOR of Colorado. I received over 8,000 last spring. I am now receiving requests at the rate of about 250 a day. I received 478 letters in one day last March and over 2,000 in one week.

Mr. MANN. Are they made-up lists?

Mr. TAYLOR of Colorado. No, sir. They are individual letters and postal cards coming from all over the State of Colorado. There were over 100 newspapers in the State that published my letter last week or the week before, and the people who want the seeds are writing directly to me for them. I am not sending out any in bulk or to Democratic committeemen or to a soul who does not personally request them.

Mr. MANN. When we had this discussion up once before in the House, although I never voted for the appropriation, I brought on the floor of the House 10,000 requests which I received one spring from my district, which is a city district.

Mr. JACKSON. Does the gentleman yield for a question?

The CHAIRMAN. Does the gentleman from Colorado yield to the gentleman from Kansas or the gentleman from Iowa?

Mr. TAYLOR of Colorado. I will yield to the gentleman from Kansas first.

Mr. JACKSON. Does not the gentleman believe that if the plan which he has followed—and which, I want to say, I have followed with satisfaction to myself—could be carried on at the department it could be done at one-fourth or one-half of the cost to the Government at which the present plan of sending out seed to everybody is carried on?

Mr. TAYLOR of Colorado. Yes; possibly it could. But, as the gentleman from Mississippi [Mr. CANDLER] has well said, that system might not always be satisfactory.

Mr. JACKSON. And that the people who need seeds could secure them better in that way than under the present plan?

Mr. TAYLOR of Colorado. Yes; I think that would be an improvement over the present system of most Members. But I do not send my seed slips down to the department to be filled. I started out that way when I first came here, but I found that the department frequently sent out seeds that were of no use in my State, and sometimes they reached there too late, and some of my constituents criticized me for it. I now have the seed slips all addressed in my office, and I employ additional help at my own expense and pack all the seeds in my office. As long as I have them, I pack and send to each person three or four packages of a variety of vegetable seeds and one package of a variety of flower seeds; and I know that there were thousands of homes in Colorado last year that had a good garden and a small variety of flowers as a result of my individual distribution, and I know the seeds I am now sending out will be a source of happiness in thousands of homes in my State this coming summer. I secured an extra allotment last spring and sent out over 200,000 of the small packages of vegetable seeds and 20,000 small packages of flower seeds, and I expect to send out as many this spring. This involves an enormous amount of extra work and personal expense, but I know it does an inestimable amount of good.

Mr. ANDERSON of Ohio. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from Colorado yield to the gentleman from Ohio?

Mr. TAYLOR of Colorado. Certainly.

Mr. ANDERSON of Ohio. I know that the gentleman is in favor of the distribution of seeds as much as I am. Has he received many letters protesting against the distribution of seed?

Mr. TAYLOR of Colorado. I think I have received in three years possibly a half dozen letters asking me to vote against the seed distribution. But no one ever has the opportunity to protest against my sending him seeds, because no one gets them from me unless he asks for them. I have received two or three protests from seed houses or stores dealing in seeds. But I do not feel that they are materially injured or affected by this seed distribution. I think if it were not for this Government seed distribution that the seed trust might make the people pay a good deal more than they do for seeds. I have changed my opinion entirely on this seed matter since coming to Congress. I absolutely know that seeds sent out in the way I am distributing them do a world of good.

I get hundreds and hundreds of letters—I may say thousands of letters—and postal cards from women, many of them from the wives of laboring men in the cities and new settlers in the country asking me for a few seeds. Afterwards many of them write me, saying that they got "John" to spade up the back yard, and they planted and irrigated the garden, and had all the vegetables the family could eat and some to give to their neighbors, besides having some flowers to beautify their little homes. When anyone says the people do not want these seeds he simply does not know what he is talking about. A great many boys and girls write to me for them. If these people had to buy the seeds, even though they cost only a few cents, they might not do so. I try to get them into the homes of those who most need them. The seed that each person gets does not cost the Government probably more than 3 or 4 cents, and the way they are used by the most of the people I send them to, each family is benefited to the amount of probably $50 to $100. The greatest benefit is assisting the people who will make the best use of them in getting new and suitable varieties of seeds. It would make the heart of every Coloradoan swell with pride to hear the beautiful tribute to the Rocky Ford cantaloupe paid by the eloquent gentlemen from Mississippi [Mr. CANDLER] and South Carolina [Mr. ELLERBE]. Through the energy of the Rocky Ford citizens, and especially that grand old pioneer, Senator George W. Swink, the Luther Burbank of the cantaloupe industry, assisted by the Department of Agriculture, Rocky Ford cantaloupe seeds have been sent throughout all this country, and have lifted thousands of mortgages and brought happiness to the homes, joy to the hearts, and delight to the tastes of millions of people all over the civilized world.

In my judgment, this seed distribution is one of the best investments the Government makes. The seeds are raised under the direct supervision of the Agricultural Department in large quantities in various places throughout the United States, and they are the means of putting into every township in this country the most suitable seeds and giving the people a start in the best varieties of plants for their respective localities. The good that is thereby accomplished will endure for all time and is beyond calculation. I feel that it would be a very great mistake and misfortune if the amendment of the gentleman from North Carolina should be adopted and the distribution of seeds by the Agricultural Department be discontinued.

Mr. DRISCOLL. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. The time of the gentleman from Colorado has expired.

Mr. MARTIN of South Dakota rose.

Mr. LAMB. Mr. Chairman, I was going to ask for a ruling on the point of order.

Mr. MARTIN of South Dakota. I hope the gentleman will withhold his point of order. There are some of us who want to be heard on this question and also on the point of order when it is urged.

Mr. LAMB. Then I will wait awhile.

Mr. LEVER. Mr. Chairman, I move that the debate on this amendment be closed in 15 minutes.

The CHAIRMAN. A point of order is pending.

Mr. LAMB. I withhold it for awhile.

The CHAIRMAN. The gentleman from South Dakota [Mr. MARTIN] is recognized.

Mr. MARTIN of South Dakota. Mr. Chairman, there is a great deal of merit in the amendment which is offered by the gentleman from Colorado [Mr. TAYLOR]. Being somewhat familiar with these conditions, I had prepared an amendment of like character. The chief criticism of the free distribution of seed from the Department of Agriculture, I think, grows out of the limitation which is put in the ordinary distribution in that the largest part of it, three-fourths or four-fifths, must be sent out by this congressional distribution. The result is that seeds are sent into localities and to farmers who do not need them for any practical purposes; whereas if the discretion could be left with the Secretary, this distribution might be of value and reach settlers and localities most needing them.

Now, it so happens that over a considerable portion of the western country there have been two successive years of drought, a thing unknown in those localities in the history of the country. There are localities in the West where——

Mr. ELLERBE. Mr. Chairman, will the gentleman yield there for a question?

The CHAIRMAN. Does the gentleman from South Dakota yield to the gentleman from South Carolina?

Mr. MARTIN of South Dakota. Yes.

Mr. ELLERBE. Is there any experimental feature in this work at all? Is it not a fact that because of the drought those people lost their crops, and can not the State take care of them, so that the matter need not come in on this bill?

Mr. MARTIN of South Dakota. O Mr. Chairman, I can not allow the gentleman to take up my time for the purpose of making an argument. The whole question in the arid and semi-arid West is a question of scientific farming, involving not only the study of methods of dry farming, but the development of plants that are of a drought-resistant character. Now, it so happens that over a large area of the West there was a general crop failure in the last year by reason of a practical suspension of precipitation from September to September. There were areas in which there was no rainfall in the aggregate of over 2 inches, in a region that usually has a rainfall somewhere around 15 or 20 inches, and the result of it has been that vegetation did not start until September. Generous rains came in the fall, there has been a heavy snowfall this winter, and there is every prospect of a good crop in 1912 if the people can get seed. Now, those people are up against a condition, a practical proposition, in which the entire Nation is interested—the proposition of adapting agricultural products to the particular conditions of the country.

Hundreds and thousands of people have gone into that region and have struggled manfully with that problem, and many of them are not able now to supply their seed for the coming season. I for one do seriously criticize the sending of a large distribution of seeds into localities where they are not needed. If we would consent to it and confine the efforts of Congress and of the department to the supplying of really needed localities, we would be performing a great public service.

I sent a sack of seeds for distribution to a certain locality in my State some years ago, and after the seeds were distributed I received back from my friend, to whom I had sent them for distribution—he being somewhat of a wag—the statement that he had placed those seeds where they would do me the least harm. [Laughter.]

There are precedents for coming to the relief of localities which have suffered because of unusual conditions. During the years of the ravages of the grasshopper in the West, particularly in 1875, this Congress passed two bills for a special distribution of seeds, and appropriated $30,000 for that purpose—a distribution to settlers who had been damaged by the ravages of the grasshopper. Another measure that was enacted appropriated $150,000 for the supply of food and other needed help to the patriotic pioneers of the frontier who were seeking to wrest progress and utility out of the new country.

Now, I think if we were at this time to place in the hands of the Secretary of Agriculture this sum of $50,000 for the purpose of making a special and discriminatory distribution in those localities of those field and garden seeds that are best adapted to those conditions that sum would do more good than the entire aggregate of this appropriation of $285,000 carried in this bill for the whole seed distribution. [Applause.]

Mr. LAMB. Mr. Chairman, I ask for a ruling on the point of order.

Mr. RUCKER of Colorado. Mr. Chairman, I hope the gentleman from Virginia will wait for a moment. The gentleman has not heard all there is to say about this.

Mr. FOSTER of Illinois. The 15 minutes have not expired yet.

The CHAIRMAN. The gentleman from Colorado [Mr. RUCKER] is recognized.

Mr. RUCKER of Colorado. Mr. Chairman, the amendment offered by my colleague from Colorado [Mr. TAYLOR] is the basis of a bill that I have had pending before Congress, and especially before the Committee on Appropriations, since early in January; and I have been promised more times than I have fingers and toes that I should be heard before that committee. I despair, however, of being allowed an opportunity to appear before it.

I wanted to say to that committee, as I say to this House, that this is not a distribution of seed in an ordinary way. This is for field sowing—a very necessary thing to-day—and it would be far better, in my judgment, to curtail the expense incident to the sending out of these general packages of seed. We should send them out by sacks.

Mr. SHACKLEFORD. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from Colorado yield to the gentleman from Missouri?

Mr. RUCKER of Colorado. Yes.

Mr. SHACKLEFORD. I did not quite catch the provisions of the amendment which the gentleman speaks of. Does this proposition include furnishing the mules and the drills to plant the seed with?

Mr. RUCKER of Colorado. No, sir. When it comes to that, if it were to vote for more mules, I would count on his vote; but we will furnish the mules and everything else if we get the seed. [Applause.]

Now, I want to say that in my district, especially in the last two years, there has been a drought. The farmers there have undertaken to farm by the Campbell system of dry farming, but by reason of there being no precipitation it was impossible for them to raise anything. Now, it does not behoove a Member representing a district to show up its impoverished condition, but in my district that condition exists in spots, and I may therefore justly disclose the actual condition.

People in that district in the last year have been compelled to burn up their fences and burn part of their barns and sell off every head of their stock in order to get through the severest winter we have had in Colorado for the last 35 years.

So I say, gentlemen, if it can get beyond this point of order, I hope the gentleman from Virginia has heart enough within his body so that he will withdraw it and let us get a vote, and let this committee determine whether they will relieve these sufferers. I want to say that within my recollection a bill of this kind came in for the relief of western Texas, and in my judgment it was to the discredit of the Chief Executive, while it was to the credit of the Congress, that an appropriation of this kind was voted for this identical purpose, for the same reason, but President Cleveland vetoed the bill. I will undertake to say as a Democrat that if this bill is passed the Republican President now occupying the chair of the Chief Executive will not veto it. [Applause.]

Mr. HELM. Will the gentleman yield?

Mr. RUCKER of Colorado. Yes.

Mr. HELM. Will the gentleman admit that the appropriation carried in this bill is intended in the least to be experimental, or for experimental work?

Mr. RUCKER of Colorado. This amendment?

Mr. HELM. I mean the item carried in this bill.

Mr. RUCKER of Colorado. No.

Mr. HELM. And is not this amendment intended to supply people with seed enough to plant their entire crop, because of a calamity, a drought?

Mr. RUCKER of Colorado. Yes; that is absolutely true.

Mr. HELM. Does the gentleman think that, enthusiastic as I am for this experimental work, we ought to go to this very extreme limit? Can not the State take charge of that situation?

Mr. RUCKER of Colorado. I have no doubt that if there was a drouth in China or in Japan, or a similar condition of affairs in Samoa, or some other place, you could find in this House Members who would fall over one another to vote for

an appropriation; but when it is proposed to relieve our own people, who are suffering——

Mr. HELM. Does the gentleman think that because there has been a drouth in that section he ought to come to the American Congress and ask us to help those people in this way?

Mr. RUCKER of Colorado. Yes; certainly. Otherwise I would not ask it.

Mr. HELM. Perhaps the gentleman could come in another way, and I would be delighted to help him.

Mr. MARTIN of South Dakota. I would like to ask the gentleman whether there is any difference in principle between this sort of an appropriation and the appropriation to fight the boll weevil?

Mr. ELLERBE. Oh, that is entirely different.

Mr. RUCKER of Colorado. There is no difference at all. The only difference is that the country from which the gentleman comes has a yearly complaint and we have only had reason to complain for the last two years. As long as the gentleman is a Member of Congress he will be here asking for seeds to resist the boll weevil, and every time he comes here, as long as there is a Democratic majority, he will get what he wants, and when we from the great West come and ask for relief we expect fair treatment. [Applause.]

Mr. HELM. Will the gentleman yield for another question?

The CHAIRMAN. The time of the gentleman has expired.

Mr. MANN. Mr. Chairman, if the point of order is overruled and the amendment comes before the House, I expect to offer an amendment to it, which I ask to have the Clerk read for information.

The Clerk read as follows:

And for the purchase, test, and distribution of seeds, plants, shrubs, trees, and vines, including the necessary labor with which to plant the same within the limits of the city of Chicago, the further sum of $10,000.

Mr. LAMB. Mr. Chairman, after my preacher friend from Wyoming [Mr. MONDELL] is heard, I shall insist on the point of order.

The CHAIRMAN. The Chair will hear the gentleman from Wyoming.

Mr. MONDELL. Mr. Chairman, a few days ago in discussing another paragraph of this bill, I referred to the fact that when I was a small boy I lived in a district in Iowa which was ravaged by grasshoppers. A great many people remember those grasshopper days, and I hold in my hand a copy of two bills passed by Congress for the relief of grasshopper sufferers in Kansas, Nebraska, Iowa, and Minnesota. I think that some of that distribution was made in northern Missouri, where the crops had been destroyed by grasshoppers. So that this legislation is in line with former action of Congress.

We have had two succeeding seasons of extreme drought in the West. The result is that there are many farmers in Wyoming, North and South Dakota, Colorado, and possibly in other States, who have practically produced nothing in the way of crops for two years. Over vast areas the grain sown last spring did not germinate.

I planted a field of winter wheat a year ago last fall and it came up last August. When the frost came in October it was a flourishing field, but it was just a year too late. There were vast areas over which seeds did not germinate at all, and still larger areas where the crops after they came up were withered and killed by the drought. These people need relief. This Congress ought to appropriate not $50,000 but $100,000 to give them relief. They are out there on the western plains, the pioneers no less to-day than the pioneers of 35 or 40 years ago, carrying forward the frontier of civilization, and we certainly can afford to make it possible for them to continue their struggle, to conquer that region and bring it into a condition under which it will produce food for man and beast.

Mr. RUSSELL. Will the gentleman yield?

Mr. MONDELL. I will.

Mr. RUSSELL. Suppose this amendment should be passed, would these seeds be fairly distributed over the country under this amendment which provides for the Western States that suffered from drought? There were some Southern States that suffered from drought.

Mr. MANN. Texas is a Western State.

Mr. RUSSELL. Texas is a Western State, but Oklahoma and Arkansas are Southern States. Why should this be confined to Western States?

Mr. MONDELL. This amendment applies particularly to the people on the public land who are the people who need this aid. In my State settlers on the public domain are the ones who need it—those who have gone forward conquering the wilderness.

Mr. RUSSELL. Can Congress afford to pass a bill for the distribution of seed in one section of the country only when there are other sections that suffer as much?

Mr. MONDELL. I do not think the gentleman from Colorado would have any objection to modifying his amendment so as to supply any drought-stricken section.

Mr. TAYLOR of Colorado. Not the slightest in the world.

Mr. MONDELL. I have no doubt that under the amendment as offered it could be used in Texas, because I think Texas is considered as a Western State, although a portion of it is a good ways south.

Mr. BURKE of South Dakota. Will the gentleman yield?

Mr. MONDELL. Certainly.

Mr. BURKE of South Dakota. I would like to ask the gentleman whether or not he thinks there would be any real worthy distribution on an appropriation of $50,000?

Mr. MONDELL. I do not think it is enough, but it is better than nothing. I think we should have at least $100,000 for this work. Mr. Chairman, I have not yet discussed the point of order.

The CHAIRMAN. The Chair is ready to rule.

Mr. MONDELL. If the Chair is entirely clear, I do not care to take up the time of the House discussing the point of order.

The CHAIRMAN. This amendment undertakes to provide an appropriation for the distribution of field and garden seeds in certain Western States where the crops have been a failure. In the opinion of the Chair that does not at all come within the purview or the letter or spirit of section 520 creating the Department of Agriculture. The distribution of seeds spoken of there is the distribution of new and valuable seeds and plants, the clear purpose of which is to introduce new varieties or improve existing varieties, and not to furnish seeds as a donation for any section of the country, however great the emergency may be. The Chair is of opinion that the point of order should be sustained.

Mr. PEPPER. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Amend, on page 25, line 13, by striking out the words "those persons" and inserting in lieu thereof the following: "Teachers and pupils in public and other schools interested in the study of agriculture."

Also insert after the word "Congress," in line 15, page 25, the words "or which may be received direct by the Department of Agriculture."

Mr. LAMB. To that, Mr. Chairman, I reserve a point of order.

Mr. PEPPER. Mr. Chairman, I hope the gentleman from Virginia will not insist upon the point of order. It strikes me that this involves a principle that is very important. Under the bill as it is written, and as it has been written for a number of years, seeds that have not been distributed by the Members of Congress by April 1 go back to the Department of Agriculture. I understand that a large amount of seed is not distributed by the Members of Congress and a considerable amount of this congressional allotment goes back to the department every year. This amendment provides that that seed which reverts to the Department of Agriculture shall be distributed to the teachers and the pupils of the schools of this country who are interested in the study of agriculture.

Mr. MOORE of Pennsylvania. Mr. Chairman, will the gentleman yield?

Mr. PEPPER. Yes.

Mr. MOORE of Pennsylvania. Could not that be accomplished much more readily through the Member of Congress representing the district in which the school is located?

Mr. PEPPER. It can be accomplished better, providing the Member does it; but if the gentleman will notice, this provides that it shall be distributed by the Department of Agriculture upon lists of names furnished by the Member of Congress or sent to the Department direct. I understand that a great many Members do distribute a large amount of seeds to the school children.

Mr. MOORE of Pennsylvania. I am one of those who do that, and I find that it is very much valued by the children in the schools.

Mr. PEPPER. If it were generally understood among the 12,000,000 rural school children of this country that on the 1st day of April a considerable amount of seed becomes available, there is no doubt these boys and girls would gladly avail themselves of its use in their school gardens or in their own experimentations. And I want to say this, that while you are making large appropriations for agricultural colleges, and while you are spending thousands of dollars to develop scientific farming, in my judgment the thing you have got to do first is to interest the boys and girls in the subject of agriculture in order to make the matter a success. I believe this offers a practical method of starting this work.

Mr. RUSSELL. Mr. Chairman, will the gentleman yield?

Mr. PEPPER. Yes.

Mr. RUSSELL. I understand this amendment provides for the distribution of seeds that are not distributed by Members of Congress by the 1st of April in each year.

Mr. PEPPER. That is right.

Mr. RUSSELL. I would like to know what becomes of them now?

Mr. PEPPER. According to the bill, any portion of the allotment to Senators, Representatives, and Delegates in Congress remaining uncalled for on the 1st day of April is to be distributed by the Secretary of Agriculture, and he is to give preference to those persons whose names and addresses have been furnished by Senators and Representatives.

Mr. LAMB. There will not be any left. Over 25 men in this House have asked me to get them more seeds.

Mr. PEPPER. I want to call the gentleman's attention to the fact, however, that last spring when I came to Congress I was told there were over 100,000 packages that had not been distributed by Members of Congress. I understand, of course, that in a presidential year perhaps the distribution is a little more general, but I also understand that every year there are certain Members who do not distribute the seeds, and that those seeds go back to the Department of Agriculture. I simply provide in this amendment that whatever does go back shall be given to the school children of the country, 12,000,000 in number; that they shall have a preference. It is a practical step intended to assist in getting them interested in the subject of agriculture.

Mr. LAMB. They would not get one-quarter of a package a piece.

Mr. PEPPER. I think the gentleman is mistaken. I undertake to say that if the attention of the department is called to this——

Mr. MOORE of Pennsylvania. Would not the gentleman rather have that done through the Member of Congress?

Mr. PEPPER. Certainly, but this does not prevent that being done. It does not in any way affect the distribution of seeds by the Members of Congress.

Mr. MOORE of Pennsylvania. It would rather tend to centralize the distribution.

Mr. PEPPER. Not at all.

Mr. MANN. Does not the gentleman believe that if this policy which he suggests is adopted it would increase this appropriation ten or twenty fold inside of the next two years?

Mr. PEPPER. I do not see why it should.

Mr. MANN. Every school in the land would file an application with the Secretary of Agriculture for seeds. There would only be seed enough to go a very small way round, and either the Secretary would exercise favoritism or else he would be compelled to refuse most of the applications.

Mr. PEPPER. I will say in all seriousness——

Mr. LAMB. It is opening a Pandora's box of evils.

Mr. PEPPER. If it would increase the appropriations for seed and this extra amount is sent to the school children of this country who use seeds in the planting of their gardens and who become interested in the study of agriculture, it will be worth all it costs and is just as justifiable as any appropriation under this bill could be, because it puts the child in touch with something that not only will interest him, but puts him in touch with the Government itself. The way to secure interest in the study of agriculture in our schools is to have the pupils plant something and watch it grow. This will help to solve the problem of keeping the boys on the farm and getting them interested in raising their own crops and in planting something that will be their own. I do not know whether it will increase the appropriation or not, but I will say to the gentleman if it does it will serve a good purpose if it tends to foster and stimulate the study of agriculture in our public schools.

Mr. MANN. I thoroughly agree with the statement of the gentleman with reference to keeping the boys interested, and I am practicing it out in my district, but it is contrary entirely to the present scheme of distribution and will result in a duplication of the distribution in the end, and will result in their soon asking for ten times as much seed as we ever gave them and increasing an appropriation which ought not to be made at all to an enormous extent.

Mr. PEPPER. Let me call the gentleman's attention to the fact that there will be no duplication, because the bill provides "and who have not before during the same season been supplied by the department."

Mr. MANN. The Secretary of Agriculture does not keep a list of the names furnished him alphabetically throughout the country.

Mr. PEPPER. He keeps a list of the names furnished him by Members of Congress who furnish him the names.

Mr. MANN. Under the gentleman's amendment?

Mr. PEPPER. Yes.

Mr. MANN. Under the gentleman's amendment the Secretary of Agriculture will do as he pleases with the applications directed to the department.

Mr. PEPPER. Seed may be furnished upon a list furnished by a Member or by the department direct.

Mr. MANN. That means they make application direct to the department.

Mr. PEPPER. It provides, first, that preference shall be given to names furnished by Members of Congress and to persons who have not before during the same season been supplied by the department.

Mr. MANN. That is a matter of preference to determine, and the department does not make any investigation of that kind.

Mr. PEPPER. But the department does distribute seed under the same section of the bill.

Mr. MANN. Oh, no; the department has no authority to distribute these seeds. That part for distribution by a Member of Congress, except——

Mr. PEPPER. I understand there might be applications sent into the department that ought to be taken care of.

Mr. MANN. If the gentleman's proposition is to take the names coming from Members of Congress, that is already provided for. If the proposition is to have the application made direct to the Secretary of Agriculture, it means that every school-teacher in the country will make a request, and it will add enormously to the expense.

Mr. PEPPER. It simply provides the Member of Congress, instead of furnishing the list of voters, shall furnish the names of school children and teachers who are interested in this work.

Mr. MANN. It does not require them to furnish a list of voters. I believe every Member of Congress sends more or less seed direct to schools and school-teachers.

Mr. PEPPER. It puts a limitation upon the list furnished by the Member. In other words, it puts a limitation on the manner of distribution of those seeds which revert to the department under the terms of this bill.

Mr. MICHAEL E. DRISCOLL. Will the gentleman yield for just a question? I would like to ask, as a matter of fact, if there are any seeds which are not distributed in the spring.

Mr. PEPPER. I understand so. I am informed that there is a considerable quantity that revert to the department every year, and I think they ought to be utilized in the manner I have indicated.

Mr. LAMB. They go back to the Congressman.

Mr. ELLERBE. I would like to say to the gentleman, yes; there are a good many.

Mr. LAMB. Mr. Chairman, sometimes patience ceases to be a virtue. Now, I appeal to the good sense and the judgment of this committee, and I ask if the gentleman in charge of this bill has not been patient to a degree? Two hours have passed, and we are on the same paragraph where we ended when the committee had the bill last under consideration two days ago.

Mr. MANN. We spent two days on it once.

Mr. LAMB. We have given plenty of opportunity for Members to talk here, and I now insist, and I shall in the future move, that such debates as this close, particularly, Mr. Chairman, when we have a point of order. I make the point of order, Mr. Chairman, and I ask for a ruling.

The CHAIRMAN. The gentleman from Virginia reserved the point of order, and the debate was proceeding while the point of order was being withheld.

Mr. TAYLOR of Colorado rose.

The CHAIRMAN. For what purpose does the gentleman from Colorado rise?

Mr. TAYLOR of Colorado. I wish to debate this amendment.

The CHAIRMAN. A point of order is insisted upon, and the Chair is prepared to rule. If this were a new question, the Chair would without hesitation sustain the point of order, because in the opinion of the present occupant of the chair there is scarcely a provision in this paragraph that is not subject to a point of order. It appears, however, that this paragraph was held out of order when first proposed, which ruling the Chair would have concurred in at the time, but that ruling was reversed on an appeal to the House. It seems, further, that where a provision of new legislation is permitted improperly to remain in an appropriation bill it is open to germane amendments, and such germane amendments are not subject to a point of order. The sole question remaining, therefore, is whether the amendments proposed by the gentleman from Iowa [Mr. PEPPER] are germane to the provisions of the bill. The point of order is therefore overruled.

Mr. LEVER. Mr. Chairman, I move that debate on this paragraph and all pending amendments be closed now.

The CHAIRMAN. It is moved that the debate on this paragraph and the pending amendments be closed in 10 minutes.

Mr. MICHAEL E. DRISCOLL. I want to know whether the gentleman means this amendment or all amendments.

Mr. LEVER. All amendments to this paragraph.

Mr. MANN. Oh, no.

Mr. LEVER. Give them 15 minutes.

The CHAIRMAN. It is moved that all debate on this paragraph and amendments thereto close in 15 minutes.

Mr. MANN. Then nobody can offer an amendment and discuss it or have it discussed.

The CHAIRMAN. The question is on the motion of the gentleman from South Carolina [Mr. LEVER].

Mr. LEVER. Mr. Chairman, I move to close debate on this amendment in five minutes.

The motion was agreed to.

[Mr. TAYLOR of Colorado addressed the committee. See Appendix.]

Mr. ELLERBE. Mr. Chairman, I ask unanimous consent that the gentleman from Colorado may have five minutes more. I want to ask him a question.

Mr. LAMB. I hope, Mr. Chairman, that this debate will not last any further. We must insist that something be done here.

The CHAIRMAN. The gentleman from South Carolina [Mr. ELLERBE] asks unanimous consent that the time of the gentleman from Colorado [Mr. TAYLOR] be extended five minutes. Is there objection?

Mr. LAMB. I object.

Mr. TAYLOR of Colorado. Let me say to the gentleman from Virginia that I have occupied only 10 minutes on this entire bill.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Iowa [Mr. PEPPER].

The question was taken, and the amendment was rejected.

Mr. FOWLER. Mr. Chairman, I offer the following amendment, which I send to the Clerk's desk.

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from Illinois [Mr. FOWLER].

The Clerk read as follows:

Amend, on page 26, after the word "station," in line 10, by adding as a separate paragraph the following: "That during the year 1912 Irish potatoes——

Mr. JACKSON. A point of order, Mr. Chairman.

The CHAIRMAN. The gentleman will state it.

Mr. JACKSON. We have not reached that section yet. I desire to offer an amendment to the section.

Mr. MONDELL. Mr. Chairman, I have an amendment which I desire to offer to the paragraph.

The CHAIRMAN. Is the amendment of the gentleman from Illinois intended to add a new section?

Mr. FOWLER. It is intended to add a new section.

The CHAIRMAN. That is not in order at the present time.

Mr. FOWLER. Mr. Chairman, I desire, when the section is reached, to offer that amendment.

The CHAIRMAN. The Chair will submit it at the proper time. The Clerk will report the amendment offered by the gentleman from Wyoming [Mr. MONDELL].

The Clerk read as follows:

On line 1, page 24, strike out the words "two hundred and eighty-five thousand six hundred and eighty" and insert "three hundred and thirty-five thousand." And after the word "distribution," in line 4, page 24, insert "of which amount $50,000 shall be used for the purchase and distribution of drought-resistant field seeds."

Mr. LAMB. Mr. Chairman, I reserve a point of order on that.

Mr. MONDELL. Mr. Chairman——

Mr. LAMB. Let the gentleman from Wyoming confine himself to the point of order, please.

Mr. MONDELL. Mr. Chairman, I intended to discuss the point of order. Does the gentleman reserve it?

Mr. LAMB. Yes.

Mr. MONDELL. Mr. Chairman, I do not desire to take up the time of the House in discussing the merits of this amendment at any great length. I would like to discuss the point of order, after merely stating that the amendment proposes to increase the appropriation for seeds and provides that the increase shall be used for the purchase of drought-resistant seeds for the farmers for the drought-stricken sections.

Mr. Chairman, this appropriation ought to be made. I have already called the attention of the House to the drought conditions which exist over large areas of the West, and the very unfortunate condition in which the people find themselves in that country. Some of the farmers who have gone upon the public domain and taken up public land in the last two years have raised no crops. Those people are out on the dry lands. They propose to stay there. They propose to conquer that semiarid country if it can be done, but many of them are unable to secure the seed for their lands. It would be impossible for many of them to remain upon their farms unless the Government gives them some slight assistance. We simply ask that the Government do now what it did years ago in the grasshopper times. I remember those times very well. I lived in a region in good old Iowa, good, fat, corn-growing, wheat-growing Iowa, that received Government wheat and Government rye and Government oats. The farm that I lived on did not plant any of that Government seed but our neighbors did.

Mr. BUTLER. Why did not the gentleman get some of it?

Mr. MONDELL. If it was right and proper and just for Congress to relieve the settlers 30 or 35 years ago in Iowa, Nebraska, and Kansas, why is it not just and proper that Congress should now relieve the settler in North and South Dakota, Wyoming, and Colorado, who is battling with conditions more difficult than those which confronted the farmers in Iowa in grasshopper times? We have asked a very small sum, an increase of $50,000 in this appropriation. There should not be a dissenting voice on the floor of the House in opposition to the appropriation.

Now, Mr. Chairman, as to the point of order. The Chair has just called attention to the fact that this paragraph is subject to a point of order. The point of order has not been raised with regard to the paragraph, and therefore any amendment which is germane to the paragraph is not subject to a point of order. Certainly this amendment is germane to the paragraph. It is a paragraph providing for the purchase and distribution of unusual seeds.

Mr. LAMB. If these people are suffering as the gentleman thinks they are, why does he not come to Congress and ask for a special appropriation for this purpose and not mix it up with the agricultural appropriation? When Iowa suffered years ago I think I am correct in my recollection that a special act was passed for their relief. That is the proper way to bring up this question.

Mr. MONDELL. I suppose the agricultural appropriation bill was not under consideration at that time. This is the time and this is the place in which to grant the relief.

Mr. HELM. Do your people at heart really want a distribution of rare seeds or an abundance of seeds?

Mr. MONDELL. Both. Mr. Chairman, I was arguing the point of order. This paragraph provides for the general distribution of seeds of various sorts and kinds. It contains legislation, and therefore would have been subject to a point of order. The point of order was not raised. Any amendment germane to the paragraph is in order, and no amendment which is germane to the paragraph is subject to the point of order. My amendment is germane to the paragraph. It provides for a general distribution of certain classes of seeds, to wit, drought-resistant seeds.

Mr. MICHAEL E. DRISCOLL. What are those?

Mr. MONDELL. And therefore it seems to me very clear that this amendment is not subject to a point of order.

Mr. RUCKER of Colorado. I should like to inquire what is the point of order that the gentleman makes, and what are his reasons for it?

Mr. LAMB. That this is new language and legislation, and therefore is subject to the point of order.

Mr. MARTIN of South Dakota. Does the Chair desire to hear me in opposition to the point of order?

The CHAIRMAN. The Chair is prepared to rule. The Chair is of opinion that the same ruling made a few minutes ago on this paragraph applies to the amendment offered by the gentleman from Wyoming. While the provision would be new legislation standing alone, it is certainly a germane amendment to the portion of the bill to which it relates. It increases the amount already provided for in the bill. It provides that a certain amount of the sum appropriated shall be used for certain purposes—that is, that a certain amount shall be used for drought-resisting seed. In the opinion of the Chair, both provisions are germane to the section of the bill to which they are offered, and, therefore, the point of order is overruled. The question is on the amendment offered by the gentleman from Wyoming.

The question was taken; and on a division (demanded by Mr. MONDELL) there were 24 ayes and 45 noes.

Mr. MONDELL. I ask for tellers.

The question of ordering tellers was taken.

The CHAIRMAN. Thirteen Members have arisen, not a sufficient number, and tellers are refused.

Mr. MANN. Well, Mr. Chairman, if we have not enough Members in the House to order tellers, we better have a quorum present. We do not seek delay, but when we can not get enough to ask for tellers I think we had better keep a quorum present.

Mr. LAMB. I appeal to the gentleman from Illinois; I appeal to his generosity; I have been patient as a lamb. [Laughter.]

Mr. MANN. I shall not insist on a quorum at this time, but I give fair warning that where we ask for tellers on this side on a reasonable proposition and can not get votes enough to order tellers, you will have to have a quorum present to refuse tellers.

Mr. FITZGERALD. The gentleman does not expect the opponents to the measure to furnish votes?

Mr. MANN. The votes for tellers? I think they are afraid of it.

Mr. FITZGERALD. If the gentleman can not keep a fifth of a quorum present on that side he can not expect us to furnish votes.

Mr. MANN. Well, I am present all the time, which the gentleman from New York is not.

Mr. FITZGERALD. I am present except when I am engaged in committee.

Mr. JACKSON. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Page 24, line 1, strike out lines 1, 2, 3, and 4, to and including the word "distribution," and insert in lieu thereof the words "one hundred thousand dollars."

Strike out all of page 1, after the words "United States," line 14, and all of lines 1 to 16, inclusive, on page 25.

Mr. JACKSON. Mr. Chairman, this amendment, if adopted, will leave this section in this way: It will appropriate $100,000 for the use of the Department of Agriculture for the purpose mentioned in the section for the distribution by the department. It would cut out all congressional distribution of seeds, and that, in my judgment, is what we ought to do about this matter. I think I am just as proud of the Department of Agriculture as any other Member of Congress or any other citizen of the United States. I think this great department, the one perhaps the nearest to the hearts of the people of any department in the Government, should be liberally supported, but I can not see, gentlemen, why we should stand here and in the name of agriculture absolutely waste $100,000 each year.

I voted very cheerfully the other day for an amendment adding $100,000 to the appropriation to provide farm-management experiments in counties and in the States and bring to the people of the country the benefits of this great department, because, in my judgment, that was simply providing the corner stone, the foundation of this great department. But, gentlemen, there is no reason why a man, woman, or child who has enough interest in this seed distribution to plant the seeds and give them a fair chance should not notify the department that they want the seeds and will use them. It will cost but a penny, or the fraction of a penny, to do it, and I say it is an insult to the intelligence of the American people to say they will not take enough interest to write for the seeds.

Mr. ELLERBE. Will the gentleman yield for a question?

Mr. JACKSON. Not just now. I say the people who are capable of governing themselves—and there are some who think that we ought to add to the responsibilities of self-government in this country—I say that sort of people are competent and able to write to the department for the package of seeds if they want them.

Mr. Chairman, there is another side to this question. Every time the department of the Government makes a mistake, every time you put upon the department something it ought not to do, some privilege or duty that is not governmental in its essence, that moment you turn upon the Government the wrath of the people and the prejudice of all the people of the country. You are year by year perpetuating this sort of graft—because it is a sort of graft—for the benefit of the seed growers and contractors, and you are not only doing that, but you are destroying the popularity of this department with all the people of the country. And you will keep it up until the department will either be seriously crippled or driven out of existence. So, I beg of this Committee on Agriculture, which has sat here and talked in the interest of the farmer, I beg of the many men who have delivered these eloquent orations—and many of them have been eloquent—for the benefit of the farmer, to come now to the defense of this great department itself, which is maintained for the benefit of the farmer, and help us to vote this amendment into the law, and cut out what is wrong, cut out what savors of graft. I use that word, Mr. Chairman, because there is a deep-seated conviction all over this country that this is maintained solely for the benefit of a lot of seed contractors.

Mr. LAMB. Mr. Chairman, every principle involved in this amendment was passed on this morning by this House when the amendment offered by the gentleman from North Carolina [Mr. PAGE] was voted upon. This is merely attacking the seed distribution along another line. That is all there is to it. There is no use of wasting the time of this House in discussing this seed distribution. Time and again here since I have been a Member of this House this matter has been brought up and the House has pronounced its judgment on this question. I can see no good, no necessity for delaying the consideration of this measure and meeting the end we have in view—passing the measure as soon as possible. These amendments are offered, I will not say for a dilatory purpose, but I think because gentlemen desire to get them into the RECORD. Everything that the gentleman from Kansas has said has been said upon this subject this morning, and I ask for a vote.

Mr. ELLERBE. Mr. Chairman, will the gentleman yield?

Mr. LAMB. Yes.

Mr. ELLERBE. I only want to say this, that I am not willing to have it said that I am voting for this bill for buncombe or in order to popularize myself in my district. I am voting for it because I believe it is right. I want to say, in answer to the statement of the gentleman from Kansas [Mr. JACKSON], that if the Government sends out this seed, how do we know that the Government will not send to Mrs. Brown, who lives in a brick or a stone house, a package of cotton seed, and at the same time send to Tom Jones, who is a tenant on a farm in Ouithlacoochie, a package of flower seed. If I did not know more about my district than the Agricultural Department does, I would not be willing to represent it any longer.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Kansas.

The question was taken; and on a division (demanded by Mr. JACKSON) there were—ayes 15, noes 49.

Mr. FOWLER. Mr. Chairman, I offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

Amend, on page 24, line 14, after the word "State," by inserting the following:

"*Provided*, That Irish potatoes shall be admitted to the United States during the year 1912 free of duty."

Mr. LAMB. Mr. Chairman, I make the point of order on that amendment.

The CHAIRMAN. The point of order is sustained.

Mr. LEGARE. Mr. Chairman, on the 27th of February, in the city of Boston, the distinguished Member from Georgia [Mr. BRANTLEY] delivered an address which, in my opinion, is a masterpiece of oratory. In every sentence of his great speech there is an idea worthy of consideration. Every utterance that fell from the lips of the speaker bristled with wisdom. Through it all there breathes the spirit of patriotism and love of country. It was in every sense the effort of a statesman. I wish to place this gem upon the altar of publication by offering for print in the RECORD.

I do this in order that this document of wisdom may have a place in history and with the hope of its being read far and wide. I am fully persuaded that even in this day of radicalism and unrest the logic and reasoning of the gentleman from Georgia will find a resting place in the minds of all thinking men and materially aid those of us who are lending our efforts toward safe and sane government; and I ask, therefore, that his speech be printed.

SPEECH OF HON. W. G. BRANTLEY BEFORE NEW ENGLAND IRON AND HARDWARE ASSOCIATION, BOSTON, MASS., FEBRUARY 27, 1912.

A GOVERNMENT OF LAW.

"As the man who being asked if he would take oxtail soup remarked 'That is going back a long ways for soup,' so I may say that to go from Massachusetts to Georgia to secure a speaker for this occasion is going back a long ways for a speaker. Permit me to add, however, that I am glad you went, and permit me also to thank you for the honor thereby done me and for the pleasure and privilege I now enjoy in being with you.

"The day has been in the not far-distant past when your people and mine saw too little of each other and thought they had too little in common. The causes therefor it is not necessary to discuss. It is sufficient to know that that day has happily passed, and that we now full well know that all of us are equally concerned for our country and for the common destiny awaiting us. The truth is, in my judgment, there exists to-day in our country a more universal spirit of nationalism than has existed since the dark days of the sixties drove the sections asunder. There is to-day less of sectional feeling and less of political partisan bitterness than at any time since Appomattox. In this connection due praise for his contribution to this fortunate situation must be accorded our present Chief Magistrate, President Taft. His broad nationalism was shown when he went to both Georgia and Tennessee for a Supreme Court justice, and his epoch-making appointment of Justice White—a southern man, a Democrat, and an ex-Confederate soldier—to

be Chief Justice of the Supreme Court of the United States was the bowlder marking and commemorating the end of sectionalism, while the prompt and ready acquiescence therein by both Senate and country was but a garland of patriotism bedecking this giant bowlder and evidencing the people's satisfaction over the fact of a reunited country. Reflecting upon these things, I do not feel that I have come a stranger among strangers. Indeed, knowing the message I bring, I am not concerned that you are of New England and that I am of the South, for I would speak to-night as one American citizen to other American citizens of a matter that concerns all American citizens. My message concerns all who love the flag, revere the Constitution, exalt liberty, and all who would preserve American institutions.

THE LAW.

"I invite your attention briefly to a few thoughts on our Government, viewed as a government of law, for such it is and has been, and such it must continue to be so long as it endures. After our experience of a century and a quarter under this government of law, enjoying its protection and beneficence as we have grown in wealth, in art, in knowledge, and in the science of government, it ought to be superfluous and a useless waste of time to enter upon a discussion of its merits other than to extol and praise them, and yet to those who read the signs of the times such discussion is at this time both appropriate and needful. Law, as we all know, is but a rule of action or conduct, and a government of law simply means a collection of fixed and certain rules of conduct, for all the relations of the people, the one with the other, and with the government, with power to compel their observance.

"'Ours,' says Judge Story, 'is emphatically a Government of laws and not of men.' The supreme law in our land is our written Constitution. The framers of our Government were not willing to create a pure democracy. They not only created a representative form of government, but through the Constitution they limited the power of their representatives and as well the power of the people themselves. They of course did not and could not limit the power of the people to supersede the Constitution with another constitution nor limit the power of the people by revolution or otherwise to overturn the Government itself and substitute another therefor. They declared, however, that in order for the Republic to live the rights of the individual, the rights of the minority, and the rights of all should be clearly fixed and limited by the fundamental law—the Constitution—which fundamental law should be the compact of the people, the one with the other, and alike binding upon all until such time as in the way prescribed within that compact itself it should be amended or repealed. The fathers knew that a government based solely upon the unrestrained will of the majority could become as arbitrary and despotic as that of any single tyrant or despot, and they would not have it. They established liberty, but it was liberty under the law; it was not license whether of the one or the many. The majority were to be just as much bound under the compact as was the individual. The 'law' was ordained as the sovereign master whose edicts all should obey. The temple of justice was erected, within whose portals all differences were to be adjusted and all wrongs righted. This temple, while to be officered by men, was not to execute the will of men, but within its sacred precincts the majesty of the law was to be maintained and justice between man and man and between the people and the Government was without fear or favor to be administered. The system of government thus devised was not perfect, because man is not perfect, and because no human agency is perfect. It was and is, however, the grandest conception of human government that the world has ever known. It has demonstrated its strength, its wisdom, and its virtues, and has vindicated the wisdom of the men who planned it.

THE PEOPLE.

"John Adams, in his inaugural address in 1797, declared that the existence of such a Government as ours for any length of time "is a full proof of a general dissemination of knowledge and virtue throughout the whole body of the people." This Government has lived for more than 100 years since these words were spoken, and thus the proof of both the knowledge and the virtue of the whole body of the people is established. Has this knowledge grown less or has virtue declined that to-day the proposal is seriously made to overturn our Government of law and substitute therefor a government of men? We surely can not arraign the virtue or the patriotism of any considerable number of our people, but may it not be that we have grown so far removed from the origin of our Government that too few people know anything of that origin or of the reasons for or the purposes of the Government itself? Men to-day are ushered upon the scene of life's activities to find a Government already existing and complete in all its parts. Too few of them, perhaps, stop to inquire whence it came or how it is to be maintained. Other things that to them seem of more importance absorb their attention. We may therefore conclude that if our Government of law shall fail, the cause will not be the loss of virtue, but the growth of ignorance.

BUREAUCRACY.

"The movement to-day to substitute the will of men rather than rules of law for our guidance and control is not confined to the ignorant, the toilers, the poor, or the weak, but it is participated in by the rich, the strong, and the powerful. All who join therein are not actuated by the same purpose or seek the same end, but in the result achieved, should the movement succeed, the end—anarchy and revolution—will be the same. Individuals and corporations engaged in commerce, smarting under antitrust-law prosecutions and what they think is the tendency of present-day legislation to destroy the right of contract, are equally zealous with those who smart under the high cost of living and those who are excited by the rantings of demagogues for a change. Danger to our government of law approaches from both ends of life's line. From one end comes the demand to strike down the law and substitute a man or set of men whose will shall be the law as to what commerce or business can do. From the other end comes the demand to strike down the law and substitute therefor the will of the majority. The divine right of the majority is claimed, and it is asserted that the majority can do no wrong. The demand from one end is for a bureaucracy and from the other for a mobocracy. At neither end of the line does the law find any hope or encouragement, and either demand, if granted, would destroy our government of law.

"Let us in fairness for a moment look at the demand for a bureaucracy and see upon what it rests. This demand might be curtly met with the simple suggestion that the law be obeyed and no other remedy would be found necessary. The subject, however, is broader and bigger than that and merits a more civil answer, for in truth we know that the law most complained of is uncertain, and, therefore, difficult to obey.

THE SHERMAN LAW.

"The Sherman law in itself is sufficient topic for an evening's discussion, and my suggestions concerning it must, indeed, be brief; but I submit without argument that an endurance of the law, however uncertain and however drastic, is preferable to fettering that freedom of commerce and that freedom of contract guaranteed by the Constitution that must inevitably result when that freedom is given as a favor from some individual rather than claimed as a matter of right. I submit also that an appeal to the conscience and intelligence of the American people for such changes in the law as can be demonstrated to be needful will not go unheeded. The remedy for a bad law is to amend or repeal it, but not to destroy all law governing the subject involved.

"It is a curious history that the Sherman law has had. It prohibits in terms 'every' combination, contract, or conspiracy in restraint of trade, without defining what is a restraint of trade, and now, after 20 years of experience under it, we have at last learned that the word 'every' as used in the statute does not mean 'every' act interfering with trade and that only such acts are prohibited as 'unduly' interfere with the orderly course of trade. The precise definition of 'unduly' is not given, and each business man must determine at his peril whether or not his acts of interference are 'undue.' Perhaps in another decade, if the law remains the same, the courts will determine this for him also.

"Comparatively early in the life of the law the courts determined that its purpose and meaning was to enforce competition, and that whatever restrained competition was the restraint thereby prohibited. The law itself says nothing about competition, and, with all due deference to the courts, it may be that they missed the true construction of the law. The law of competition is the law of 'the survival of the fittest,' and, unrestrained by any other law, must inevitably lead to monopoly; and yet the Sherman law prohibits monopoly as well as restraints of trade. Competition, enforced by the first section of the law, leads to monopoly, which, when reached, is by the next section of the law made the open door to the penitentiary. The absence of competition is not necessarily a restraint of trade so far as the public is concerned. One competitor by superior capital or capacity may drive another competitor out of business, and the trade of this competitor is of course restrained, for it ceases to exist. The successful rival, however, may so enlarge his trade that singly he does more business than the two combined had previouly done. Trade, therefore, so far as the public is concerned, has not been restrained. It has been increased, and unless the public has thereby been unduly taxed by an increased price for the commodity sold, as the result of a monopoly created, the public has not been in-

jured. Monopolies have ever been abhorrent to all law, but no just Government ever penalizes success or restrains the lawful use of brains.

"One administration has followed upon another since the Sherman law went into effect, and each has challenged the plaudits of the multitude by citing a greater number of prosecutions under the law than stand to the credit of the preceding administration. Is this the test by which we must determine the beneficence and wisdom of the law? Would it not be better and more informing to cite the public to a reduced number of 'trusts' and to a reduced cost of living? The prosecutions instituted are but the means employed whereby the end of public benefit is supposed to be reached. What of the end? Let us pass by the means employed and ascertain the result reached. Can anyone deny that the cost of living is to-day greater than at any time during the life of the law, and that the number of so-called 'trusts' now in existence is greater than at any time in our history? Viewed, therefore, from the standpoint of the end sought rather than that of the means employed, we appear not to have made any headway under the law.

"Broadly speaking, our country is divided into the two classes of consumers and producers. Each merits and deserves the fostering care and protection of our Government. In the interest of which was the Sherman law enacted, and which has benefited thereby? Has either been benefited? If neither has been benefited, what purpose does the law serve? From the framing of the first tariff law until now, and under all political parties and all administrations, the producer has been protected. Sometimes more and sometimes less, but always in some degree protected. Sometimes the protection has been freely given and sometimes grudgingly given because found to be unavoidable under our revenue system, but always it has been given. Protection is said by its advocates to foster and develop, to build up and make to grow, and they credit our great commerce to its influence. If the Sherman law, designed solely to enforce competition, is in the interest only of the consumer, is it proposed thereby to strike down the protection to the producer that is afforded by the tariff? If so, will it not be better to do this directly by repealing our tariff laws? If competition is the end sought, will it not be more directly reached by pulling down the tariff wall and opening our markets to the producers of all the world? That Congress, in enacting the Sherman law, was not aiming at competition is possibly shown by its retention of the protective tariff.

"So far as dishonesty, wrongdoing, fraud, and misconduct are concerned, whether in trade or elsewhere, they should be heavily penalized. That is a different proposition from enforcing and compelling competition under any and all circumstances. It is also a different proposition from that of furnishing an opportunity to compete.

"This brief review of the Sherman law is perhaps sufficient to explain the restlessness of those who come within its operation and the desire upon their part to substitute a bureaucracy for it. For those who are honestly seeking to obey the law and at the same time to do business under it, the Government should be concerned to aid them. For those who knowingly and willfully violate the law there can be no sympathy from anyone. The thought, however, should be in the minds of all of us that all the greatness and glory of our country is builded upon its commerce. To commerce we owe our wealth, our cities, our towering buildings, our railroads, and our greatness among the nations of the earth, and it must be fostered and protected. We should not forget that it was the desire to make commerce free—to make the markets of each State open to the products of all the other States—that led to the writing of our Constitution, nor should we forget that when it was written the Supreme Court declared that the commerce clause thereof did make commerce free, save as Congress might restrain it. Congress can have no thought to restrain except to benefit or save. Does the Sherman law unduly impede or restrain commerce? The question is big enough and important enough to receive a more carefully considered answer than I can make to-night. It is big enough and important enough to bring together the enterprising patriotic men who are engaged in business, both 'big' and 'little,' to consider and answer it. Surely the great commerce of which our country boasts is not the product of crime. Surely our leaders in finance, in business, and in prosperity are not all criminals. Surely there is honor and honesty to be found in our commercial life. And yet one dissolution suit follows so swift upon another, one prosecution so rapidly succeeds another, that the entire commercial world must stand aghast at the arraignment of American business by the American Government. The conclusion is irresistible that either our business methods are rotten or else our law is rotten. If the defect is in the law the business men of our country owe it to themselves as well as to American honor to point out the defects and suggest the changes to be made. If the defect is in our business methods haste should be made to change them. We can not maintain government by making it fashionable to be indicted, and neither can we maintain it if we are to become a nation of lawbreakers. The demand for a law that is simple and plain is not an extravagant demand. If neither the lawmaking power nor the courts can clearly define the restraints of trade that are made criminal, how can the layman define them? Is a law just that penalizes not simply ignorance of American law, but ignorance of the English common law as well?

"Whatever change we make in the law there must remain a law for our guidance. A bureaucratic Government in free America is not to be tolerated. Even though business should be willing to run the risk of the tyranny, the favoritism, the partiality, and the fraud of such a government, the American people can not consent to it, so long as they believe in a government of law. Has our initiative and capacity so failed us that we can not frame proper rules for the government of business? If Congress can not frame them, if business can not suggest them, from whence will a few autocrats draw their inspiration? If individuals can enforce rules, when once they are made, why can not the courts enforce them? Shall we admit the impotency and incapacity of the law and the courts to decree and compel honesty and fair dealing where business is involved? If so, we should at once and for all time admit the failure of government by the people.

MOBOCRACY.

"The other end of the line is insisting, not upon a one man or a two men's Government, but upon a Government by the majority of the people. This demand for a mobocracy presents a more serious problem than the demand for a bureaucracy, and one that is more difficult to understand. It is more serious, because more widespread, and we can not in true patriotism overlook a demand that enlists the open sympathy of seekers after the Presidency.

"The demand is more difficult to understand, because there is so little excuse or justification for it. It is but a pretense to say that a more representative form of Government is desired, or that the change is necessary in order to give the people control of their own Government, for the people now control. They have all the direct power of Government that was not deliberately and intentionally contracted away for their good, as their part of the compact, at the time the Constitution was written. Indirectly they have all the power there is, and directly they have all that a representative form of Government can concede and remain a representative form of Government. The voice of the people is perhaps more potent to-day in our lawmaking department than at any time in our history.

"In the life of this Republic the rule once was that a Representative in Congress represented the entire United States, and gave the country the benefit of his judgment and leadership, and the rule also was to believe that worse things could happen than being defeated for reelection. Regretfully we must admit to-day that these rules are more honored in the breach than in the observance. The legislation that is to-day enacted or defeated represents the sentiment and wishes of the majority of the people, in so far as those in power are able to read and understand such sentiment and wishes, and if a remedy is wanted for things done and for things undone it must be found, not by increasing the already supreme power of the people, but by directing the use of that power.

THE INITIATIVE, REFERENDUM, AND RECALL.

"Those who urge upon us the initiative, referendum, and recall do not all agree—publicly, at least—upon the end they would achieve. The bolder and more aggressive do not hesitate to declare for a pure democracy—for the supreme power of the majority, without let or hindrance, and for the use of that power in all the affairs of Government. The more timid will not avow so bold a purpose. They would strike down, however, the checks and balances of constitutional government, and while conferring supreme power upon the majority they would cautiously advise that the full power so granted be not always used. The distinction is meaningless and merits no consideration.

"The preamble to the Constitution does not read, 'We, the majority of the people,' but it reads, 'We, the people.' The Constitution is the Constitution of all, and not simply of the majority. In the first section of the first article thereof all legislative power is vested in the Congress, and this makes our Government representative in form. In the fifth and again in the fourteenth amendment the individual is protected by the declaration that 'no person' shall be deprived of 'life, liberty, or property without due process of law.' The simple statement

of these provisions of the Constitution shows the revolutionary character of the proposal to substitute for them the will of the majority.

"Under our present form of government when by industry and frugality a man procures the means and purchases a home, obtaining good title thereto, it is his. The law gives it to him and protects him in it, and neither a majority nor any other number of his fellow citizens can lawfully take it from him. This is the protection of property that is guaranteed by the Constitution. The same protection is given to life and liberty, and for this protection, now so ample and complete, it is proposed that we shall substitute the pleasure of the majority.

THE COURTS.

"The most astonishing because the most revolutionary of all the proposals made is that relating to the courts. Some of the people claim to have discovered that the courts are a menace to liberty and should be restrained. Little they know that they are striking at the only protection of life, liberty, or property that they enjoy. But for the courts we must have autocratic government or anarchy; but for the courts a government of law would be without strength or power and could not live. The statutes of Congress and the orders of the Executive would be dead and meaningless things but for the power of the courts to give them vitality and compel obedience thereto. The power of the courts is plainly and simply conferred by the Constitution, and it is a most necessary power. Power must be somewhere lodged to say when a given act violates the law or when a given law violates the Constitution or else each man or each department construes for himself or itself and all is confusion. Where better can we lodge this power than in an independent judiciary? Suppose Congress should enact a law establishing a State religion and requiring my observance of it when under my conscience I hold to a different faith? Suppose Congress should levy a tax forbidden by the Constitution? Suppose Congress should assume to itself all the police powers of the States and proceed to their exercise? In any of these supposed cases ought there not to be a power competent to declare such acts void? If not, of what avail is the Constitution? If it be said that Congress will not knowingly violate the Constitution and its oath by passing such acts, can it not be equally said that neither will the courts knowingly violate the Constitution or their oath of office? The possibility of the abuse of power has never yet been held a sufficient reason for the nonexistence of the power. The one thing that has ever differentiated our Republic from all other Governments has been our judiciary. The maintenance of our judicial system has been our crowning glory, for it has made and maintained our government of law.

"The Constitution without definition, limit, or qualification vests 'the judicial power of the United States' in the courts. Judge Story says, 'No man can doubt or deny that the power to construe the Constitution is a judicial power.' Before the day of Story, Madison said: 'It may be a misfortune that in organizing any government the explication of its authority should be left to any of its coordinate branches. There is no example in any country where it is otherwise. There is no new policy in submitting it to the judiciary of the United States.' Webster in one of his great speeches declared that the constitutional provision making the Constitution the supreme law of the land, together with the other provision vesting judicial power in the courts were 'the keystone of the arch.' 'With those,' he said, 'it is a constitution; without them it is a confederacy.' We read the utterances of these great men, we search our own understanding, and we are stupefied and amazed at the treason to constitutional government that is abroad in our land. Of what are the people thinking that such as this can exist among them?

RECALL OF JUDICIAL DECISIONS.

"Some of the advocates of the recall of judges would go further and nullify judicial decisions by a popular vote. Declaring for 'constitutionalism' they would, nevertheless, by the will of a simple majority override the legislature that stood for it and the court that enforced it. They would make of the Constitution but a bit of paper to be torn to tatters at the will of the mob.

"The Constitution, the crowning glory of American achievement, they would submit for construction and enforcement to the fleeting fancy of the temporary majority. Such a proposal can only be fitly characterized as anarchy gone mad. It is said in support of the proposal that judges make mistakes. Of course they do. Who does not? We are to-day, however, protected against mistakes in lawmaking fivefold times and more, In the first place, by the people themselves in their selection of competent and upright Representatives. In the second place, by the oath of the Representatives to support the Constitution. In the third place, by the Senate, that must concur. In the fourth place, by the Executive, who must approve. In the fifth place, by the courts, to whom appeal can be made; and finally, by the people again, who, if a mistake is made, notwithstanding all these precautions, can elect new Representatives and correct it. For all these safeguards it is proposed to substitute the will of a majority of those voting under the stress and excitement of a political campaign.

"Judges have made mistakes, but be it said to the honor and glory of the American judiciary that but few of them have ever made them intentionally. Judges have made mistakes, but no judge in all our recorded history has ever made the monumental mistake that is now being made by those who urge upon us the revolutionary proposals that we are now considering. These proposals are urged in the face of the fact that through peace and war, through prosperity and panic, through health and through pestilence, our Government as the fathers planned it, has not only lived for more than a century of time, but has grown resplendent in its proud achievements and has brought our country to a position of eminence among the greatest of the nations of the earth. They are urged in the face of the fact that in all the records of time no such government as is proposed ever lived to tell the tale of its existence. We stand amazed at the recklessness of the proposals made, and more so at the public sentiment that will tolerate them. From whence comes this sentiment? In the financial and business world we know that credit is the basis of our tremendous transactions, and we know that credit rests upon confidence. We also know that when confidence is destroyed or undermined, panic follows. Is it not the same in a representative government? The basic principle of our Government is patriotism. The Government rests upon the patriotic belief of the people in the existence of patriotism among themselves. It rests upon their confidence in the honesty and integrity of human agencies. Destroy that confidence, inspire distrust, and our representative Government must fail, for the people will no longer trust one another. May it not be that we are but reaping the fruit of the seed so lavishly sown by the muckrakers? No greater enemies of the Republic have ever lived than those who in season and out of season, for purposes of selfish and sordid gain, have sought to destroy the confidence of the people in their trusted public servants. These enemies must be overcome and confidence must be restored if we would save the Republic.

NEEDED REFORMS.

"Reforms we need and improvemnts we ought to have, but let us not change the form of our Government structure. Let us build on the old foundations, preserving forever the eternal principles of equality and justice embedded therein. We should find a way to utilize the 'judicial power' for determining the constitutionality of important general legislation before putting same in force. No greater reform can be urged, for justice should not be impeded or delayed nor individuals taxed by personal litigation to settle constitutional questions. A uniform law for the regulation of all interstate commerce and those engaged therein whereby both business and the public will be protected should be devised. Ways should be found to curtail our output of new laws and to lessen the volume and shorten the determination of litigation. These and many other reforms are needed, but when all is said and done, the fact remains that this is a Government of and by the people, and will be good or bad accordingly as the people possess knowledge and virtue or are controlled by ignorance or cupidity. It also remains that the proposals of government we have been discussing deal only with means of government. The great ends of government are not involved or referred to. They offer no solution of any of the real problems confronting us.

"A new way of legislating is proposed, but what is to be the legislation? The restrictions of the Constitution are to be removed, but what is then to be done? No legislative proposal is advanced, and we are left to assume that there is something the people want and which they now can not get under our present system of government, but what is it the people want? There can be no real reform affecting our Government that does not start among the people themselves. While we have legislatures and laws, courts and officers of all kinds that we call our Government, there is in the last analysis no government in our land save that of public sentiment. Elevate the standard of citizenship and the standard of legislation is at once raised. Purify the body politic and the government becomes pure. The stream can rise no higher than its source. What our country needs is not a new government, nor new ways of making laws, nor more laws, but it is the planting deep in the hearts of all the people the spirit of the law.

"In the Colonial Congress in Philadelphia in 1774 Patrick Henry declared:

"Oppression has effaced the boundaries of the several colonies; the distinctions between Virginians, Pennsylvanians, New Yorkers, and New Englanders are no more. I am not a Virginian, but an American.

"The assaults to-day upon constitutional and representative government are an appeal to our patriotism. They have effaced all sectional lines. It is not as Republicans nor as Democrats, but as Americans that we must meet and repel them."

Mr. MANN. Mr. Chairman, I move to strike out the last word in the paragraph for the purpose of making an inquiry. The gentleman stated the other day that the appropriation for the Brownsville experiment station was carried in this item at the top of page 26. That appropriation for the testing of rare and valuable seeds, and so forth, has been increased from $52,520 to $58,740. Is that increase sufficient to provide the Brownsville testing station with the money which has been used there before?

Mr. LAMB. I think so; and I will give this explanation: The appropriation for foreign seed and plant introduction has been increased from $52,520 to $58,740, as the gentleman states, an increase of $6,220. The appropriation for the Texas garden—$11,260—was transferred to this item, and seven employees have been transferred to the statutory roll, amounting to $5,040, making a net increase of $6,220. That explains that whole situation.

Mr. MANN. That seems to cover that. While Brownsville is taken care of in that item in that way, the appropriation under the entire paragraph is reduced from $289,680 to $285,680. That is a reduction in the total amount, although there is an increase in the work to be performed by the appropriation. Is that also caused by a transfer to the statutory roll?

Mr. LAMB. That is right. The decrease is $9,160 and the increase is $28,214, and the difference between the two is made by transfers from the lump sum to the statutory roll.

The CHAIRMAN. Without objection, the pro forma amendment will be withdrawn.

There was no objection.

Mr. MOORE of Pennsylvania. Mr. Chairman, the agricultural appropriation bill provides for the investigation of diseases of animals and plants and to check the spread of damage to crops by insects, such as the boll weevil, but it gives scant consideration to one of the most distressing of modern tree diseases, the chestnut blight. All that was appropriated for this purpose last year, if I remember correctly, was $5,000, and this year the investigation is to be taken care of, along with many other worthy objects, in the item of $29,510 "for the control of diseases of forest and ornamental trees and shrubs." The Committee on Agriculture could not see its way clear to favorably consider the bill introduced by me December 4, 1911, providing an appropriation of $80,000 "to enable the Secretary of Agriculture to meet the emergency caused by the continued spread of the chestnut bark disease," but the distinguished chairman of the committee, the gentleman from Virginia [Mr. LAMB], in the discussion of my amendment on yesterday indicted the readiness of the committee to hear argument upon the bill as a separate measure, and with this the advocates of a broad and scientific "study of the nature and habits of the parasitic fungus causing the disease" will have to be content for the present.

I think, Mr. Chairman, the Government, which is doing so much in other directions for agriculture and forestry, should take a livelier interest in the awful havoc that is being done the useful and stately chestnut trees of the country. To a large extent we have permitted the walnut trees to fall a prey to commercialism, since the wood has been so valuable for manufacture and export, but the chestnut tree is still with us, and appeals strongly to those true conservationists of our natural resources who contend against the utter extinction of valued species of American animal and plant life. And so far as the chestnut tree is concerned, it can very reasonably come to Congress for aid and redress, since some of the States in which it makes its habitat have already undertaken to preserve and protect it. This is notably so with the State of Pennsylvania, which has appropriated $275,000, which is now being used "for the investigation and scientific study of the problem, and more especially to ascertain the exact extent of the blight and to devise ways and means through which it might, if possible, be stamped out."

PENNSYLVANIA IN THE FIELD.

Indeed, without waiting for Government action, Pennsylvania has already constituted a commission, which has organized and put its force of experts in the field. The reports of these experts, together with the results thus far attained, were presented at a conference held in the city of Harrisburg, February 20 and 21 last, at which many States into which the chestnut blight has made its unwelcome presence known were represented.

The purposes of the Harrisburg convention are very clearly set forth in the announcement issued by the secretary of the Pennsylvania Chestnut Tree Blight Commission, Mr. Harold Pierce, of Philadelphia, who said:

In order that the other States not yet touched by the blight, but certainly in its line of advance, may realize the seriousness of the situation, the governor, who is much interested, has called this convention for a consideration of ways and means, in the hope that the States may be aroused to action and be ready to meet the invasion at their borders. Pennsylvania's problem is now or soon will become the problem of Maine, Vermont, New Hampshire, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Delaware, Maryland, Virginia, North Carolina, South Carolina, Georgia, Alabama, Mississippi, Tennessee, Kentucky, West Virginia, Ohio, Indiana, and Michigan. Active cooperation of the States is essential.

So far as the Harrisburg convention is concerned, it was very largely attended and evinced the deep interest of the delegates in a problem which did not arise in Pennsylvania, but which having arisen, had worked great loss in that State and was destroying chestnut trees by the thousands in neighboring States, with the prospect of a continuance of the work of destruction wherever chestnut trees are to be found throughout the country. There never was a situation more analogous to the demand for checking the spread of the boll weevil, which harasses the southern cotton planter, or of the Texas fever, or of any other cattle or plant disease than this. And if the Government has seen fit to step in and stop the ravages of disease as it passes over the borders of the States in any one of the others, so it should also step in now to check the chestnut-tree blight.

A CONDITION CONFRONTS US.

In opening the Harrisburg convention, the governor of Pennsylvania made this interesting and comprehensive statement of the movement to preserve the trees and to protect the property value represented by them:

This conference has been called for the purpose of obtaining all information possible concerning the best methods of fighting the destructive fungous disease known as the chestnut-tree bark disease or chestnut-tree blight, which was first detected in the neighborhood of New York City about eight years ago and has since spread to the northeast as far as eastern Massachusetts and to the southwest as far as central Pennsylvania, Maryland, and northern Virginia.

This tree disease is virulent in character. To date no specific remedy to be applied to individual trees is known. It seems almost unthinkable that a disease of this character should so invade a large area and that no means of preventing its spread is at hand. Unless this disease be stopped by concerted action among the States it is certain that within a few years very few living wild chestnut trees will be found in America. It is therefore entirely in accord with the American spirit that we make every effort to destroy or check the advance of this disease.

The value of the standing chestnut stock to-day in America is enormous. In Pennsylvania alone the wild chestnut tree is found native throughout the State, and in the southern counties of the State forms the principal remaining forest tree. The value of this tree in the State of Virginia is reliably computed by competent authority to be not less than $35,000,000. The best chestnut in the world is still remaining in the mountains of North Carolina, West Virginia, eastern Kentucky, and Tennessee. The chestnut stock of the future must necessarily be drawn from these States. To date the blight has not reached this region, but is steadily tending in that direction. This tree is also of great value in Ohio and the remaining Atlantic seaboard States, and by reason of the all too prevalent forest destruction going on, the tree can ill be spared, much less its value wasted, as it largely will be should the remaining chestnut stock be attacked.

The destruction of the wild chestnut trees in New Jersey, in southeastern New York, western Connecticut and Massachusetts, and southeastern Pennsylvania is marked to be complete. The industries depending upon the wild chestnut tree for their support are of large proportion and great value. Every part of the tree is valuable for making tannic acid, used in the tanning industry. Telegraph and telephone companies depend most largely upon this tree for their stock of poles. The railroad companies are largely dependent upon it for their best railroad ties. The nuts produce no inconsiderable amount of valuable product. Many thousands of men are employed in the industries depending upon the saving of the wild chestnut tree, and many other thousands of real estate owners will find their land values seriously depleted should the tree be ultimately destroyed.

Two great facts to be borne in mind are: First, that the plague is with us and it must be reckoned with; and, second, that harmonious action and complete cooperation among all the interests involved, as well as the governments of the various States, can and will be the only means of checking this disease, if it can be checked at all. We are not so much concerned with its origin as we are with its presence and effects. While its botanical history and pathology are of importance, the real thing is preparedness to repel the invader, using every means known to science and practical experience.

I submit this statement as an aid to Congress in the consideration of the bill now before the Committee on Agriculture. It is a strong argument in favor of some such measure, but a still stronger argument may be found in the appalling estimate that this insidious chestnut-bark disease, up to 1911, had destroyed chestnut-tree property valued at no less than $25,000,000.

VIEWS OF REPRESENTATIVE BODIES.

So far as the history of this tree disease is known, it appears to have originated in the vicinity of New York City in 1904.

Since that time it has spread over at least 10 States and is still spreading. It has not only cut down the beautiful and umbrageous shade trees in public parks and upon large estates, but with equal cruelty it has destroyed the wild forest timber, to which even the schoolboys resort for health and sport in autumn time. That the chestnut tree, apart from the timber in it, is also a source of revenue to the farmer and to the nut gatherer is not to be disputed.

But most significant is the attitude upon this question taken by recognized associations of agriculturists and foresters, who fear the consequences of further delay in securing Government cooperation to properly combat this epidemic of the tree.

The House should understand how some of these authorities stand upon this question, and to that end I submit herewith resolutions of the American Forestry Association, the Pennsylvania Forestry Association, the Pennsylvania State Board of Agriculture, the Commission for the Investigation and Control of the Chestnut Tree Blight in Pennsylvania, and the Pennsylvania State Grange:

AMERICAN FORESTRY ASSOCIATION.

AMERICAN FORESTRY ASSOCIATION,
Washington, D. C., January 17, 1912.

MY DEAR SIR: At the annual meeting of the American Forestry Association, held in this city on January 9, the following resolutions were passed, and, as they have a very important bearing upon the forestry interests of the United States, your careful perusal and earnest consideration of them is respectfully urged. * * *

Very truly, yours,
P. S. RIDSDALE,
Executive Secretary.

Whereas a virulent fungous disease known as the chestnut-tree blight has already infected a large portion of the region wherein the wild chestnut tree is a native, and threatens the destruction of this valuable timber tree throughout its range in the United States; and

Whereas the great body of wild chestnut in the New England States, in New York, New Jersey, Pennsylvania, and Maryland has been reached by this infection, and vigorous efforts are required to prevent its further spread into the States of Delaware, Virginia, West Virginia, Ohio, Indiana, Michigan, North Carolina, South Carolina, Kentucky, Georgia, Tennessee, and Alabama; and

Whereas the States not yet reached by the infection are justly entitled to every possible help and protection which Congress and the States themselves may be able to employ in saving their chestnut timber from attack; Therefore be it

Resolved, That the American Forestry Association pledges its support in arousing the public to combat this disease.

Resolved further, That the American Forestry Association strongly urges the Members of Congress to support a bill now pending before that body appropriating $80,000 for the use of the United States Department of Agriculture, to be used in a thorough study and investigation of this tree disease, with the view of divising ways and means to combat its further spread and to subject it to possible control, and urges the executives and legislatures of the States named above to take measures to check the spread of the disease.

Resolved, That a copy of these resolutions be sent to each Member of the Senate and House of Representatives in the Congress of the United States and to the governors of the States concerned.

PENNSYLVANIA FORESTRY ASSOCIATION.

PENNSYLVANIA FORESTRY ASSOCIATION,
Philadelphia, Pa., December 20, 1911.

Hon. J. HAMPTON MOORE,
House of Representatives, Washington, D. C.

SIR: I wish to call your attention to resolutions passed by the Pennsylvania Forestry Association at their annual meeting on December 11, 1911, as follows:

"Whereas the chestnut-tree blight has caused a loss to the Nation estimated at $25,000,000 and threatens the destruction of the chestnut forests of the country; and

"Whereas there is great need for further investigation into the habits, distribution, and methods of control of the chestnut-blight fungus in this and adjoining States:

"*Resolved*, That the Pennsylvania Forestry Association strongly urges the Pennsylvania delegation in Congress to support the bill which has been introduced into both Houses appropriating $80,000 for the use of the United States Department of Agriculture in investigating the chestnut blight."

It is hoped that you will support this bill. The Commonwealth of Pennsylvania appropriated $275,000 to be used in combating this disease, and every possible means is being employed to check the further spread of the blight. This is a national problem, however, since the blight has appeared in Maryland, Virginia, West Virginia, New York, and most of the New England States, and the assistance and cooperation of the National Government would be most acceptable.

Very respectfully,
F. L. BITLER,
Recording Secretary.

PENNSYLVANIA STATE BOARD OF AGRICULTURE.

PENNSYLVANIA DEPARTMENT OF AGRICULTURE,
Harrisburg, February 23, 1912.

Hon. J. HAMPTON MOORE,
House of Representatives, Washington, D. C.

MY DEAR SIR: Please find below copy of preamble and resolutions adopted by the Pennsylvania State Board of Agriculture at its regular meeting recently held in this city.

Very truly, yours,
N. B. CRITCHFIELD,
Secretary Pennsylvania State Board of Agriculture.

Whereas a destructive fungous disease known as the chestnut-true blight has appeared in many counties of Pennsylvania, causing a serious loss to timber owners and taxpayers; and

Whereas the blight threatens the entire destruction of this valuable native species of tree in Pennsylvania and adjoining States if not checked and eradicated: Therefore be it

Resolved, That the Pennsylvania State Board of Agriculture hereby pledges its earnest and active cooperation with the Pennsylvania Chestnut Tree Blight Commission in the efforts of that commission to control and eradicate this new enemy of our forests, recommending that each member of this board assist so far as practicable in promoting public interest in the subject, that the work of the commission may be advanced as rapidly as possible throughout the affected areas of the Commonwealth; be it further

Resolved, That the bill introduced into Congress appropriating $80,000 for the use of the United States Department of Agriculture in similar work in the various States where the chestnut-tree bark disease has appeared is recognized as a worthy and deserving measure, and the Pennsylvania delegation in Congress is respectfully urged to give it their united support.

TREE BLIGHT COMMISSION.

PHILADELPHIA, *February 7, 1912.*

Hon. J. HAMPTON MOORE,
House of Representatives, Washington, D. C.

DEAR MR. MOORE: A copy of the preamble and resolutions relating to the chestnut-tree blight, which were unanimously adopted at the annual meeting of the Pennsylvania State Board of Agriculture held at Harrisburg, is herewith respectfully submitted.

The legislative committee of the same organization also made the following recommendation:

"We favor all active efforts toward the suppression of what is known as the chestnut-tree blight, which is attacking the chestnut timber in various parts of the State. We indorse and hope for the passage of the bill now before Congress appropriating $80,000 for the aid of this very important work."

Very respectfully,
OLIVER D. SCHOCK,
Assistant to the Executive Officer.

PENNSYLVANIA STATE GRANGE.

PHILADELPHIA, *January 4, 1912.*

Hon. J. HAMPTON MOORE,
Member of Congress, Washington, D. C.

DEAR SIR: The Pennsylvania State Grange at the annual meeting recently held at Scranton, Pa., adopted the following preamble and resolutions by a unanimous vote. Nearly 2,000 delegates representing over 65,000 members of the grange were present.

"Whereas a virulent fungous disease, known as the chestnut-tree blight, is attacking the native chestnut tree in this State, and if not checked threatens destruction to this valuable species of tree; and

"Whereas many of the landowners in Pennsylvania, members of the grange, will be disastrously affected if the progress of this disease continues unabated: Therefore be it

"*Resolved*, That the Pennsylvania State Grange indorses the object of the work of the Pennsylvania Chestnut Tree Blight Commission in its efforts to eradicate this disease, and pledges its support, recommending that all Pomona and subordinate granges assist in promoting public interest therein, to the end that the efforts of this commission may not be hindered or impeded.

"*Resolved*, That the bill pending before Congress appropriating $80,000 for similar work, for the use of the United States Department of Agriculture, is recognized as a worthy measure, and the Pennsylvania delegation in Congress are respectfully and earnestly urged to give it their united support."

Respectfully submitted.

S. B. DETWILER, *Executive Officer.*

NOT A ONE-STATE QUESTION.

In submitting to the House these evidences of the popular will in relation to the chestnut tree blight, I commend most heartily the action of the State of Pennsylvania in doing all that rests in the power of one State to do to correct a national annoyance. It does not lie in the mouth of anyone to say that this movement to obtain national cooperation is solely in the interest of Pennsylvania. New York, Massachusetts, Rhode Island, Connecticut, New Jersey, Delaware, Maryland, and Virginia are already deeply concerned in this problem. States farther south and farther west may yet be and probably will be, despite Pennsylvania's activity, unless the Government aids in suppressing the disease when it passes out of the Keystone State. While Government aid is annually appropriated for the maintenance of forest reserves in many of our sister States, Pennsylvania has gradually been building up at her own expense a forest reserve which now reaches the vast proportions of a million acres. The Government has done nothing to further this great enterprise, which is of some little advantage to the Government if forest reserves maintained by the Government in other States are of advantage to the Government. And it is also fair to say that while there is now arising an agitation which promises to bring up to the Federal Government the question of constructing good roads within the borders of the various States, Pennsylvania has taken care of her own roads and is now embarking upon an enterprise of road building and road improvement which contemplates the expenditure of $50,000,000. In this matter of the chestnut blight Pennsylvania has provided $275,000 to take care of her own investigations within the borders of the State, but the result of those investigations and whatever else may be put forth to check the chestnut blight will be of equal advantage to other States as it will be to Pennsylvania. But Pennsylvania can not go beyond the borders of the State where the chestnut blight has already gone, and hence the cooperation of all the States may not be secured with that harmony of direction and authority which rests in the Federal Government. It is, therefore, both logical and proper that the Federal Government should step in, as proposed in the bill now before the Agricultural Com-

mittee, and assume that general jurisdiction in the premises which will safeguard all the States. In this the Federal authorities will have the cheerful and substantial cooperation of Pennsylvania.

The CHAIRMAN. Without objection, the pro forma amendment will be withdrawn, and the Clerk will read.

The Clerk read as follows:

Total for Bureau of Plant Industry, $2,089,900.

[Mr. FOWLER addressed the committee. See Appendix.]

The Clerk read as follows:

General expenses, Forest Service: To enable the Secretary of Agriculture to experiment and to make and continue investigations and report on forestry, national forests, forest fires, and lumbering, but no part of this appropriation shall be used for any experiment or test made outside the jurisdiction of the United States; to advise the owners of woodlands as to the proper care of the same; to investigate and test American timber and timber trees and their uses, and methods for the preservative treatment of timber; to seek, through investigations and the planting of native and foreign species, suitable trees for the treeless regions; to erect necessary buildings: *Provided*, That the cost of any building erected shall not exceed $650; to pay all expenses necessary to protect, administer, and improve the national forests; to ascertain the natural conditions upon and utilize the national forests; and the Secretary of Agriculture may, in his discretion, permit timber and other forest products cut or removed from the national forests, except the Black Hills and Harney National Forests in South Dakota, to be exported from the State, Territory, or the District of Alaska in which said forests are respectively situated: *Provided*, That the exportation of dead and insect-infested timber only from said Black Hills and Harney National Forests shall be allowed until such time as the Forester shall certify that the ravages of the destructive insects in said forests are practically checked, but in no case after July 1, 1914; to transport and care for fish and game supplied to stock the national forests or the waters therein; to employ agents, clerks, assistants, and other labor required in practical forestry and in the administration of national forests, in the city of Washington and elsewhere; to collate, digest, report, and illustrate the results of experiments and investigations made by the Forest Service; to purchase law books, to an amount not exceeding $500, necessary supplies, apparatus, and office fixtures, and technical books and technical journals for officers of the Forest Service stationed outside of Washington; to pay freight, express, telephone, and telegraph charges; for electric light and power, fuel, gas, ice, washing towels, and official traveling and other necessary expenses, including traveling expenses for legal and fiscal officers while performing Forest Service work; and for rent outside of the District of Columbia, as follows:

Mr. MARTIN of South Dakota and Mr. MONDELL rose.

Mr. MONDELL. Mr. Chairman, I move to strike out the last word. Mr. Chairman, I would like to have the attention of the chairman of the Committee on Agriculture for a moment. Formerly this item of general expenses was a lump sum. In the present bill it is distributed among the forest reserves. I think that distribution an excellent one, but it seems to me the item is scarcely in proper form now. This is for the "general expenses of the Forest Service," I assume, in the forest reserves. It is divided up pro rata among the reserves, a certain amount to each reserve. Therefore there should be nothing under this head that does not relate to the Forest Service connected with the forest reserves. I call the gentleman's attention to the words on page 30, lines 9 and 10:

To advise the owners of woodlands as to the proper care of the same.

Now, that is an expenditure, as I understand it, outside of the forest reserves—an entirely proper expenditure, I grant you, but, it seems to me, that ought not to be carried in this item and divided up among the forest reserves. The way in which the bill is drawn, is it expected that the department must divide up the money and charge to each forest reserve of the country a portion of the amount it intends to expend to advise the owners of woodlands with reference to the care of the same?

Mr. LAMB. The money they use under that comes from the general expenses, and there is something besides that—to investigate and test timber and timber trees and their uses. It comes in under the appropriation of general expenditures for silviculture and other purposes.

Mr. MONDELL. I was going to call attention to the fact that there is a duplication—that these items the chairman now refers to are items which carry an appropriation.

Mr. LAMB. That is a specific appropriation; but they are bound to name what they do with their money, and so they explain what this money is used for.

Mr. MONDELL. It seems to me very confusing that there should be any language in this paragraph for general expenses that does not refer to expenditures on the forest reserves.

Mr. MANN. You can not put anything else in.

Mr. MONDELL. But there is language there that does not refer to the forest reserves at all.

Mr. LAMB. There are projects in here that we have contended did not pertain to the forest reserves in these general appropriations, namely, the testing of wood, and so forth.

Mr. MANN. That does not come under this item.

Mr. LAMB. I know it does not, but this refers to it.

Mr. MANN. Let us see, though. The gentleman takes exception to—

To advise the owners of woodlands as to the proper care of the same.

Mr. MONDELL. I do not take exception.

Mr. MANN. As to its being in this place. Are there not forest reserves where there are owners of lands that have some woodland interests in the forest reserves?

Mr. MONDELL. That may be true in a limited way, but I do not think that is what this item is intended to cover.

Mr. MANN. I think so.

Mr. MONDELL. This was the language of the bill before there was a division in appropriations for reserves, and I remember very well when that particular language was inserted in the bill; and it was not intended to cover any work within the boundaries of the forest reserves; but in the modification of the bill under the new plan they have failed to take that particular language out of it. There is more that should not be in this paragraph.

Mr. MANN. But they can not expend any of that money unless by the transfer of 10 per cent of this money that is appropriated for that purpose outside of the forest reserves.

Mr. MONDELL. I do not know of any other way they can get at it with the language as it is, because if the gentleman will turn to the remaining paragraphs he will find nothing that authorizes just that kind of work.

Mr. MANN. There is no appropriation under this paragraph just read at all. It is preliminary. The appropriation comes next, as follows:

For salaries and field and station expenses, including the maintenance of nurseries, collecting seeds, and planting, necessary for the use, maintenance, improvement, and protection of the national forests named below.

That is all they can use this appropriation for.

Mr. MONDELL. It seems to me, then, that this is all surplusage. It does not any of it belong in here if that is the fact.

Mr. MANN. This is a preface to the whole thing.

Mr. MONDELL. It seems to be all unnecessary. I want to call attention to the fact that over here——

The CHAIRMAN. The time of the gentleman has expired.

Mr. MANN. Mr. Chairman, I ask that the gentleman have five minutes.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. MONDELL. In lines 11, 12, and 13, on page 31, it reads:

To collate, digest, report, and illustrate the results of experiments and investigations made by the Forest Service.

Then I call attention to the paragraph over here on page 47, where the same language is used. It seems to me that appropriation ought to be all in one place.

Mr. MANN. I think the gentleman is a little confused about this, as I was. I just stated that that was confined to the appropriation for the national forests, but the gentleman will see now, if he looks at the bill, at first there is the paragraph "General expenses, Forest Service," with no appropriation, and "as follows." Following "as follows" comes, first, the provision for the appropriation for different forest reserves complete by itself. Following that comes the appropriation for fighting forest fires complete by itself. Following that is another paragraph, for maintenance, library supplies, and so forth. Following that is the investigation of methods for wood distillation, and so forth. All of those are subsidiary to this first paragraph for "General expenses, Forest Service."

Mr. LEVER. Let me say to the gentleman from Illinois, that on page 46, beginning with line 20, there is the item:

For silvicultural, dentrological, and other experiments and investigations, independently or in cooperation with other branches of the Federal Government, with States, and with individuals, to determine the best methods for the conservative management of forests and forest lands.

And so on. That is the proposition that the gentleman from Wyoming is talking on, and the other is preliminary to it.

Mr. MANN. Except it authorizes books and telephone service, and things of that kind.

Mr. MONDELL. Mr. Chairman, I am not yet convinced that, in the interests of clarity in the appropriation bill, this entire paragraph should not be entirely revamped or dropped out. It can not, certainly, be held that this paragraph, "General expenses, Forest Service," covers all of the purposes for which appropriations are made in the succeeding paragraphs. That is very clear. For instance, there are in the succeeding paragraph items for the purchase and maintenance of necessary field, office, and laboratory supplies and for investigations of methods of wood distillation.

They do not come under that general language also—"for experiments and investigations of range conditions." Now,

either that preface ought to contain all of the subject matter that is treated of later under the paragraphs in which the appropriations are made, or else it should be omitted altogether.

Mr. LAMB. Mr. Chairman, I claim that it would not affect the general result a particle. It is merely general language; that is all.

Mr. MONDELL. I think it is confusing language, if the gentleman will permit me to say so.

Mr. LAMB. We have explained it, and it seems that the gentleman from Illinois [Mr. MANN] has caught on to the general idea of arrangement. It is just a statement of facts.

Mr. MONDELL. It is only a partial statement of facts. If you are going to have only a partial statement of facts, you should not have any.

Mr. LAMB. It is a complete one when you come to consider the other appropriations.

Mr. MONDELL. I submit that the gentleman will admit it is not a very complete expression in an appropriation bill. The gentleman is not responsible for it, however, because I think he inherited it.

Mr. LEVER. Yes; it has been in the bill for years.

Mr. MONDELL. Inasmuch as the gentleman will have charge of the bill next year, I think it should be improved.

Mr. LEVER. I think every proposition, however, is covered by this general language. That follows this specific appropriation. I am satisfied of that.

Mr. BOOHER. I would like to ask the committee or somebody else in the House what the revenue derived was last year from the national forests?

Mr. LAMB. I can give it to the gentleman right now. Or would the gentleman prefer to wait until we reach the proper paragraph?

Mr. BOOHER. I would like to have the information now, so as to prepare some figures.

Mr. LEVER. I can give the information to the gentleman from Missouri right now. That question was asked, and Mr. Graves, the Forester, answering, said, in substance, that the bureau had received $1,014,769.84 from the timber sales, $925,490.38 from grazing, and the balance, $76,645.93, from various special uses, making a total from the forests for the year 1910 of $2,026,956.15.

Mr. LAMB. If the gentleman will examine my remarks, delivered when I introduced this bill, he will find that I elaborated this whole thing and explained it.

Mr. BOOHER. I desire here to call the attention of the committee to the fact of the rapidly increasing expenses of the Forest Service.

Mr. LAMB. But we are reducing it.

Mr. BOOHER. In the year 1907 the total appropriation for this service was $1,193,000. This bill carries for the same service $5,115,000. One-third of all the appropriation carried by this bill for the great Department of Agriculture is swallowed up in this Forest Service.

Mr. LAMB. That is a fact. But we have reduced the appropriation this year, and the receipts from the sales of timber and grazing permits will be greater each year.

Mr. BOOHER. I want to call the attention of the committee to the fact that in 1907 the Littlefield committee, as it was known, in charge of the expenditures in the Department of Agriculture, investigated the Forestry Service, and Mr. Pinchot, who was then at the head of the Forestry Bureau, made the statement that he had promised the Committee on Agriculture, when the Forest Service was turned over to the Department of Agriculture, that in five years he would make that bureau self-supporting. That year, 1907, the bill for the Department of Agriculture carried only $1,193,000, as I have stated, for the Forestry Service. He said, "I have three years yet of that time remaining in which to make my promise good." Mr. Pinchot is now out of office, and during every year that he remained in office after that statement there was a very rapid increase in the expenditures in that bureau until now, instead of being self-supporting, there is a deficit in that department of $3,000,000. This is called "scientific conservation." It may be "scientific conservation," but it is not common-sense conservation.

Mr. LEVER. Mr. Chairman, will my friend from Missouri yield?

The CHAIRMAN. Does the gentleman from Missouri yield to the gentleman from South Carolina?

Mr. BOOHER. Yes.

Mr. LEVER. On that very proposition, what the gentleman states is entirely true. The appropriations for this bureau have grown by leaps and bounds, very much faster than many of us desire them to grow. But as to whether or not in the future these forests shall be made self-sustaining, the Forester was questioned by myself, and was asked this question:

Mr. LEVER. Do you have in mind the policy of making the receipts from the national forests ultimately meet the expenses of administration of the forests?

Mr. GRAVES. Yes, sir. If we are able to continue at that rate—and there is no reason why we should not—receipts from all sources will, without question, pay for administration. But I do not want to make any assurances as to just when it will be completed, because I can not tell what the lumber market will do. If there should be a boost in the lumber market, say, next year, then perhaps by 1914 we could make $3,000,000 from timber sales. But I do not think there will be that increase in the market.

Elsewhere in the hearing this additional information was elicited:

Mr. TALCOTT. I asked you about the receipts.

Mr. GRAVES. The receipts for the last year are $2,026,906.15.

The CHAIRMAN. You have covered that back into the Treasury?

Mr. GRAVES. All of that goes into the Treasury.

Mr. HANNA. From what was that received, Mr. Graves?

Mr. GRAVES. $1,014,769.84 was received from timber sales, $935,490.38 from grazing, and the balance, $76,645.93, for various special uses.

Mr. MAGUIRE. Did you receive any from water-power sites?

Mr. GRAVES. There is a small return from water powers.

The CHAIRMAN. You had last year a very interesting table in the hearings, showing these receipts, where they came from, etc.

Mr. GRAVES. I will incorporate the receipts by States. I have all the data. They were as follows:

Gross receipts, 1911.

Arizona	$223,989.81
Arkansas	14,171.49
California	220,825.33
Colorado	213,733.30
Florida	6,425.62
Idaho	222,006.43
Kansas	3,817.80
Michigan	17.00
Minnesota	5,238.22
Montana	313,103.05
Nebraska	12,758.25
Nevada	51,066.05
New Mexico	134,300.16
North Dakota	285.65
Oklahoma	1,094.70
Oregon	148,512.71
South Dakota	56,954.38
Utah	140,148.93
Washington	97,743.45
Wyoming	120,809.88
Alaska	39,903.94
Total	2,026,906.15

So that what I had desired to say to the gentleman from Missouri was that the committee itself have in mind the very difficulty under which the gentleman is laboring, and we are trying to press the service as much as we can to make the receipts larger and the expenditures less.

Mr. BOOHER. And yet they are constantly increasing their force which they have out there in protecting these forests. You hope they are going to decrease the expenses. How are they going to decrease the expenses when they are constantly augmenting the force?

Mr. LEVER. On the contrary, the Forester himself, in his own statement, says that during the past year they have reduced the clerical force and the supervisory force in the national forests 33 per cent, and the Committee on Agriculture have reduced it further.

Mr. BOOHER. I am glad somebody is reducing some expenses in connection with the conservation policy of the Government. If there is one bureau in the Agricultural Department that ought to be looked after it is the Forestry Service.

Mr. LEVER. We have tried hard to look after it.

Mr. LAMB. We did reduce the expenses.

Mr. BOOHER. I trust sometime or other they will make it self-supporting. The Chief Forester, Mr. Graves, was very careful in his language to say that he could not fix that time. If they go on as they have, neither he nor any other man can tell when the service will be self-supporting. The committee is to be congratulated on the good work done in preparing this bill. The estimate of the department for the fiscal year was $17,240,262. The bill carries $15,836,976, a difference between the estimate and the amount appropriated of $1,430,516, and of this decrease $1,183,370 was taken from the estimate of the Forestry Service. The committee did well, and I sincerely hope that when the next bill is prepared the pruning knife will again be used, and used again and again until the Forest Service is made self-sustaining.

Mr. FITZGERALD. Mr. Chairman, I move to strike out the last word. The gentleman from South Carolina [Mr. LEVER] stated that there had been a very large reduction in the clerical force. Looking on page 27 of the bill, in one place there is an increase of 8 clerks, in another of 9, and in another of 34.

Mr. LEVER. Let me say to my friend from New York that I know the difficulty under which he is laboring. The commit-

tee have experienced the very same difficulty, and that is to make some kind of distinction here between the transfers from the lump-sum fund to the statutory roll and the transfers from the statutory roll to the lump-sum fund.

Under an amendment put upon this bill in the Senate a year ago it was necessary that all of these bureaus of this department should transfer their clerical force from the lump-sum fund to the statutory fund, and that accounts for this large increase.

Mr. FITZGERALD. That is done every year, is it not?

Mr. LEVER. Yes.

Mr. LAMB. Yes.

Mr. FITZGERALD. Why not put in a prohibition against employing clerks out of the lump appropriation?

Mr. LEVER. Under the law it is necessary for all clerks to be transferred from the lump-sum fund, and these clerks were under the lump-sum fund before this act was passed. Under the law now they must be transferred to the statutory roll, and in the future these bureaus will not have the right to employ clerks under the lump-sum fund, as I understand.

Mr. LAMB. The lump-sum fund is reduced accordingly each time.

Mr. FITZGERALD. I want to know whether the statute prohibits the employment of clerks out of the lump appropriation now?

Mr. LEVER. The agricultural appropriation bill, passed on May 26, 1910, contains this provision:

> The Secretary of Agriculture, for the fiscal year 1912 and annually thereafter, shall transmit to the Secretary of the Treasury, for submission to Congress in the Book of Estimates, detailed estimates for all executive officers, clerks, and employees below the grade of clerk, indicating the salary or compensation of each, necessary to be employed by the various bureaus, offices, and divisions of the Department of Agriculture.

That act seems to apply only to the Agricultural Department, and on account of that act the statutory roll has been in this bill very largely increased, because the bureau chiefs and the entire Agricultural Department have been very careful in trying to follow the letter and the spirit of the law.

Mr. FITZGERALD. But there is nothing in that provision which prohibits the employment of clerks out of the lump appropriations.

Mr. LEVER. I think it does by indirection.

Mr. FITZGERALD. It may by indirection, but the fact is that each year since that was enacted the committee have been requested to increase the number of clerks, because they were, at the time the request was made, being paid out of the lump appropriations.

Before this bill is completed I shall offer such an amendment to prohibit the employment of clerks and other officials of the grades mentioned out of lump-sum appropriations carried in the bill. This department should not be different from any other department of the Government; it should submit detailed estimates to Congress——

Mr. LEVER. Which it does.

Mr. FITZGERALD (continuing). And Congress should determine the extent of the service, and the department should be confined to it. Under this provision, and under the wording of a number of these appropriations, the department still has the power to employ clerks and personal services in addition to those specifically appropriated for in the bill, pay them out of lump appropriations, and next year the committee will receive estimates and give as a reason for the increase of clerks the fact that the clerks are at the time paid out of lump appropriations.

Mr. LEVER. I do not think that the Committee on Agriculture would have any objection to the amendment suggested by the gentleman from New York, but as a matter of fact—and I am not much of a lawyer—I confess that the law now on the subject is entirely full enough to cover the very proposition the gentleman has in mind.

Mr. FITZGERALD. I think the gentleman from South Carolina will find, if he investigates, that since the enactment of that provision clerks and other service have been employed and paid out of lump appropriations.

Mr. LEVER. My understanding is that out of the lump-sum appropriation only experts, scientists, and men covered under the designation of scientists are paid out of the lump-sum fund.

Mr. FITZGERALD. I do not question the good faith of the gentleman from South Carolina, but there should be no question about the intent of Congress.

Mr. HAUGEN. If the gentleman will allow me, the gentleman from New York is aware of the fact that it is necessary for the department to employ clerks temporarily, and sometimes permanently, and it is difficult to estimate in advance the number of clerks that will be required; and therefore it is necessary to make the appropriation in this way.

[The time of Mr. FITZGERALD having expired, by unanimous consent he was given five minutes more.]

Mr. FITZGERALD. It is not a sufficient excuse to give a lump-sum appropriation with blanket authority to employ personal services. Every department of the Government would prefer such an appropriation. There is no particular difficulty about compelling detailed estimates to be submitted, and it is the only proper way to legislate for such personal services.

For instance, this situation has happened, and it shows how easy it is for the department to accommodate itself to the change. In the past three or four years more than 500 clerical positions have been abolished in the Treasury Department, and yet not a single one of the employees was dropped from the service; because of vacancies, occurring for one reason or another, they were absorbed in the service. Every department of the Government to-day, including the Treasury Department, is overloaded with clerical service. It can all easily be reduced without impairing the efficiency of the service.

Mr. LAMB. That does not apply to the Forestry Service.

Mr. FITZGERALD. I think it does.

Mr. LAMB. We have reduced the clerical service 55 in one place, and in several other places smaller reductions have been made.

Mr. FITZGERALD. If the gentlemen were able to make the exhaustive investigation that should be made, and would probably have been made if it were not for the other matters that crowd upon them in this bill, the Agricultural Committee could get the information necessary and could find out that it could easily reduce the clerical service in the Forestry Department 10 or 20 per cent and improve its efficiency.

Mr. LAMB. That would be a wonderful achievement.

Mr. FITZGERALD. No; it would not be a remarkable achievement. The statement was made before the Committee on Appropriations that one of these departments of the Government was so overloaded with clerical help that Congress could reduce the clerical service next year 10 per cent and annually thereafter 5 per cent until they got to a normal basis.

Mr. LAMB. That does not apply to the Agricultural Department.

Mr. FITZGERALD. With that statement before the committee every bureau head came before the committee insisting that not only would it not be possible to reduce the clerical force, but claimed, in some instances, that additional help was requested.

Mr. HAY. Will the gentleman allow me to ask him, Was the person who made that statement informed as to the needs of the department?

Mr. FITZGERALD. I think he should be informed about it.

Mr. HAY. But was he?

Mr. FITZGERALD. I assume that he was. The statement was made by the Chief of the General Staff, who is the close, confidential, and intimate adviser of the Secretary of War regarding all military matters, including departmental matters. So thorough and searching, apparently, has been the inquiry made by him that he volunteered the information to the Committee on Expenditures in the War Department that the department service here was overloaded. I think the committee will make such recommendations as will effectually relieve that situation. I have pointed out that in the Treasury Department over 500 positions have been abolished, and yet every employee was retained in the service by being absorbed into positions then existing without creating new positions.

The result has been to make more efficient the service being performed by the department. I am not criticizing the gentleman——

Mr. LAMB. Oh, I know the gentleman is not, and I appreciate what he has said.

Mr. FITZGERALD. But I believe the recommendation that came from this committee while the gentleman served upon it was a wise one—to require detailed estimates and to provide the force required; and I also believe that as a matter of safety there should be no misunderstanding, but there should be an express prohibition against the employment of services of the character indicated in the provision read by the gentleman from South Carolina out of a lump-sum appropriation.

Mr. LEVER. Let me call the gentleman's attention to this situation, which may happen. We have increased in this bill an appropriation in one item something over $50,000. The bill has left the Committee on Agriculture, and it will leave the House, and it will go to the Senate. It is necessary in the administration and disbursement of that $50,000 item which we put on on the floor of the House, and which could not be esti-

mated for by the department, that clerical assistance be had. How would the gentleman provide for that if his suggested amendment should be acted on favorably by the committee?

Mr. FITZGERALD. I do not believe that an increase of $50,000 for any line of work in this department should necessitate the employment of a single extra clerk. The service to be performed is of an expert character and not of a clerical character.

Mr. LAMB. I want to say to the gentleman from New York that these hearings will show the fact that we interrogated the Chief of the Bureau of Forestry along this line, and after careful consideration we struck out from 50 to 75 of these employees. The very suggestion that the gentleman makes would prevent these people from employing temporary employees to do temporary work. We asked them about that very point, and they said it was in the interest of economy that you had to employ for a few days or a month various men whom they must pay from the lump sum.

Mr. FITZGERALD. Yes; and that is the excuse that is given at the end of the fiscal year for transferring them to the statutory roll. On page 27 of the bill I attempted to find out what the net reduction of clerks in the Forestry Service was, as accomplished by the committee. I found that on line 22 last year there were 17 clerks at $1,020 each. The estimate for this year was 51 clerks at $1,020 each, apparently an increase of 34 clerks at $1,020 each; yet I found that there had been omitted 34 clerks at $1,000.

Mr. LAMB. That is right.

Mr. FITZGERALD. So that it merely meant, instead of an increase or decrease in the number of clerks, a very slight increase in the compensation of 34 clerks.

Mr. LAMB. The gentleman has made the explanation that I intended to make myself.

Mr. FITZGERALD. So that it is very difficult to determine what has actually been done.

Mr. LAMB. I know it is.

Mr. FITZGERALD. On line 15, last year there were 17 clerks at $1,600 each. In this bill there are 25. In line 17 there were 8 clerks at $1,400 each, and in this bill there are 17, a net increase of 15 clerks. Then there were omitted 4 at $1,080 and 7 at $1,020, so that 11 of these apparently new clerks unquestionably are increases of compensation.

Mr. LAMB. That is right. They are small increases. When you transfer 1,900 men from the lump sum to the statutory roll, only Congress can make the increase, and we are bound to pass upon them.

Mr. FITZGERALD. How many clerks in this bill are transferred from the lump appropriation?

Mr. LAMB. About 1,984.

Mr. FITZGERALD. But in the provision read by the gentleman from South Carolina it was his impression that no clerks could be employed from the lump appropriations.

Mr. LEVER. This act would be effective only in this bill.

Mr. FITZGERALD. Oh, no; it was effective during the current year.

Mr. LEVER. This is the first bill that has been drawn under that act.

Mr. FITZGERALD. The law requires detailed estimates for the fiscal years 1912 and 1913, and annually thereafter, and yet after 1912 it is found they have over 1,900 clerks still employed out of the lump-sum appropriations, and unless some prohibition is placed in this bill next year there will be almost as many to be transferred.

Mr. LAMB. I think the gentleman is mistaken.

The CHAIRMAN. The time of the gentleman has expired.

Mr. MARTIN of South Dakota. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

After line 16, page 30, insert: "*And provided further*, That no part of the appropriation made by this act shall be used for the construction, repair, maintenance, or use of buildings or improvements made for forest-ranger stations within the inclosed fields of bona fide homestead settlers who have established residences upon homestead lands prior to the date of the establishment of the forest reservation in which the homestead lands are situated."

Mr. LAMB. Mr. Chairman, I reserve a point of order. I did not quite catch the gentleman's amendment. Where does that come?

Mr. MARTIN of South Dakota. Mr. Chairman, it comes on page 30, at the end of line 16. I submitted the amendment to the gentleman from South Carolina [Mr. LEVER], and I think the committee will have no objection to it. However, if desired, I will explain the subject more fully.

Mr. MANN. Will the gentleman permit a question?

Mr. MARTIN of South Dakota. I will.

Mr. MANN. I suppose the gentleman's purpose is to keep the Forest Service from locating rangers' buildings upon property which had been taken by somebody else against that person's wish?

Mr. MARTIN of South Dakota. Yes.

Mr. MANN. But suppose it is agreeable to all parties, and not only that but extremely convenient to have the buildings erected upon such property. What is the objection?

Mr. MARTIN of South Dakota. There will be no objection to adding to this proposed amendment an addition of that character, say, for instance, using the words "without the consent of the homesteader."

Mr. LEVER. Mr. Chairman, I suggest the gentleman add that provision.

Mr. MARTIN of South Dakota. Mr. Chairman, I will modify my amendment, and add to the end of it the additional words "without the consent of the homesteader."

Mr. McLAUGHLIN. Mr. Chairman, I would like to ask the gentleman a question.

The CHAIRMAN. The gentleman from South Dakota asks unanimous consent to modify his amendment. Is there objection? [After a pause.] The Chair hears none.

Mr. McLAUGHLIN. As I heard the amendment offered by the gentleman from South Dakota, it was to forbid the erection of a building upon any homestead within the reservation that was a homestead at the time the reservation was established?

Mr. MARTIN of South Dakota. Yes.

Mr. McLAUGHLIN. Well, I suppose the gentleman knows that all the time, continually, applications are made for the locations of homesteads within a forest reservation, and those applications are acceded to, and the entryman proves up and receives a patent within the forest reservation. Should not his amendment be drawn in such a way as to forbid the erection of a building upon any homestead, whether it was a homestead at the time the reservation was established or whether it became a homestead later?

Mr. MARTIN of South Dakota. I think there is much less likely to be any controversy or difficulty from this class of cases from the fact the listing of that class of homesteads is first done by the Agriculture Department itself, and the instances of hardship or controversy that have come to my attention have been cases where the homesteader was already upon his lands and had them inclosed before the establishment of the reserve; and in many instances the rangers find it much to their convenience to appropriate a part of the homestead, cultivated fields, and meadowlands in connection with the establishment of the rangers' stations, and the purpose of this amendment is to avoid a controversy of that kind.

Mr. LAMB. If my colleague on the committee and the gentleman from South Dakota will permit, let me say I asked this very question, and I stated to the Forester that this was one of the criticisms made here. They said the law prohibited the expenditure of more than $650 on any one building, and it is impossible to put a too elaborate house on any national forest for this price. And now the Forester says:

Furthermore, houses for rangers to live in are built only in those districts where it is impracticable for the ranger to provide himself with living quarters. The exigencies of the work demand that many of the rangers be stationed in outlying districts away from towns or other settlements where they could reasonably be expected to purchase or rent houses themselves. If the Forest Service did not build houses in which they could live with their families it would be impossible to get anybody to stay on the job.

Mr. MARTIN of South Dakota. I am not seeking at all to put a limitation on the use of the buildings or the making of buildings for rangers' stations, but this amendment prohibits the going into inclosed fields and upon homesteads established before the coming of the Forest Service for the purpose of establishing stations. I think it is much better and it will put the settlers who are there established in the position of cooperating heartily with the service in the carrying on of the general purposes of the service.

Mr. LAMB. With that statement we will not object to the amendment.

Mr. LEVER. I understand the gentleman has provided in his amendment the words "without the consent of the homesteader."

Mr. MARTIN of South Dakota. Yes.

Mr. LAMB. Mr. Chairman, I ask for a vote.

The CHAIRMAN. The gentleman from Virginia reserved the point of order. Does the gentleman withdraw the point of order?

Mr. LAMB. Yes.

The CHAIRMAN. The question is upon the amendment of the gentleman from South Dakota.

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

Angeles National Forest, Cal., $13,577.

Mr. MANN. Mr. Chairman, I move to strike out the last word. I notice in a very large portion of the items relating to the specific national forests the amount of the appropriation is considerably reduced. Where that is done, is it for the purpose of appropriating a smaller amount of money for the use of the forests, or has there been some other manipulation of the situation?

Mr. LAMB. We asked the Chief of the Bureau of Forestry on that point, and he said in some cases they had to be reduced and in others they were added to, and this arrangement of his we did not disturb at all.

Mr. MANN. This is the estimate?

Mr. LAMB. Yes.

Mr. TAYLOR of Colorado. Mr. Chairman, I would like to ask the chairman of the committee if he has any assurances from the Forestry Service that they are not increasing in some ways rather than diminishing the hardships and exactions upon the people who use these forest reserves?

Mr. LAMB. Yes, sir. They are surely reducing the exactions, as you claim, and the relations between the forest people and the surrounding citizens are more pleasant than formerly.

Mr. TAYLOR of Colorado. Now, wait a moment. Is it not true that for the purposes of getting more fees the Forest Service is this season increasing the charge per head for grazing stock on forest reserves above the fees of last year?

Mr. LAMB. My friend knows just as well as I do that those estimates for forest grazing are made by the Secretary of Agriculture, and that they are uniform.

Mr. TAYLOR of Colorado. You do not answer my question. Are not the Forest Service officials raising the fees and making it more difficult and expensive to use the Government reserves on the ranges and mountains of the West than it has been heretofore?

Mr. LAMB. I think not.

Mr. TAYLOR of Colorado. My information is that they are. I have recently received resolutions from stockmen's associations denouncing them for increasing the fees.

Mr. LAMB. But they have not increased the grazing permit.

Mr. TAYLOR of Colorado. I do not mean the permit. I mean the charge of so much per head per year for cattle eating grass on the public land.

Mr. LAMB. What I speak of and want to impress upon you is the contemplated increasing of it; and I think that possibly a small increase can be made, and then it will not reach the per cent of increase that the private owners of forestry lands demand for grazing.

Mr. TAYLOR of Colorado. But where is the limit? Simply because they get in a wedge here and get the right to charge people for running cattle on the public domain, like all the States in the East have had for nothing for a hundred years——

Mr. LAMB. But you can not have the old common law now, my brother, and turn your cattle out to graze other people's lands.

Mr. TAYLOR of Colorado. The common law? Now that you have eaten your cake you want to divide ours with us, do you not? You have had a free range in the building up of your State, every one of you, and now you are imposing a tax on us.

Mr. LAMB. You can not talk that way to a man whose State gave away sufficient territory to make a number of States.

Mr. TAYLOR of Colorado. You gave away territory in order to have the country settled and built up. Because the Government of the United States authorized this Forest Service to charge a small fee, and we accepted it because we had to do so, is that any reason for increasing it every year?

Mr. LAMB. Let me answer your question now from the record. On national forests it is 3.9 cents and for private individuals 11 cents.

Mr. TAYLOR of Colorado. I do not care what the rate of pasturage is on privately owned lands.

Mr. LAMB. You said that we were increasing your fees for grazing, and I want to show you that the charges for grazing by private owners is twice and often three times greater than the charges on national forests.

Mr. TAYLOR of Colorado. Are you going to put as much charge on the public domain as you do on blue-grass and clover fields in the Eastern or Middle States?

Mr. LEVER. Not at all; and the statement of Mr. Graves takes into consideration that very fact, and that on grazing land fees are charged in proportion to the amount of grazing, and on good grazing ground the fees are proportionately higher. If the gentleman wants to know, let me read from the testimony.

Mr. TAYLOR of Colorado. Whose testimony?

Mr. LEVER. The testimony of the Forester, Mr. Graves.

Mr. TAYLOR of Colorado. Let me ask this question: Has this committee ever taken any testimony from a living soul in the United States residing west of the Mississippi River on the forest reserves or on anything that pertains to our country? Now, answer my question. I have not heard anything about any testimony of that kind.

Mr. LAMB. I want to say to my friend that during extra sessions of Congress time and again I said to him, "Mr. TAYLOR, if you will come before our committee and explain the facts, we will be glad to hear you." I said it to the gentleman from Arkansas [Mr. FLOYD] and others whom I have noticed on this floor time and again have raised these objections. The gentleman from Colorado has nobody to blame but himself.

Mr. TAYLOR of Colorado. Just a moment. You asked me to prepare a statement of the conditions existing in the West and submit it to you, and I said I had prepared it and I gave it to you in the form of a statement from the governor of the State of Colorado, did I not?

Mr. LAMB. Yes; we had it.

Mr. TAYLOR of Colorado. Did you put it in your hearings?

Mr. LAMB. No.

Mr. TAYLOR of Colorado. Why did you not?

Mr. LEVER. It was printed in the RECORD.

Mr. TAYLOR of Colorado. I gave it to you to put in the hearings.

Mr. LEVER. It is not in the hearings. Who reads the hearings? I ask you if you have read these hearings? If you had said that you had, possibly you would not have asked all these questions which you have asked now.

Mr. TAYLOR of Colorado. You have not answered yet whether the Forest Service officials are going to indefinitely increase the fees for the people of the West for grazing on the public lands.

Mr. LEVER. Just in proportion as the circumstances surrounding the particular forests will justify.

Mr. TAYLOR of Colorado. In other words, there is no limit to the Forest Service putting the cattlemen and ranchmen out of the stock business in the West if they see fit to continue to increase the grazing fees. They have already driven some of them out of business.

Mr. LAMB. I do not so understand. The grazing fees have not been increased; but I think they can be slightly increased, and no one will be injured.

The CHAIRMAN. The time of the gentleman from Colorado has expired.

Mr. RAKER. Mr. Chairman, I desire to amend page 32, lines 7 and 8, by striking out the words "thirteen thousand five hundred and seventy-seven dollars" and insert the words "nineteen thousand nine hundred and eighty-three dollars."

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from California [Mr. RAKER].

The Clerk read as follows:

On page 32, lines 7 and 8, strike out the words "thirteen thousand five hundred and seventy-seven," and insert in lieu thereof the words "nineteen thousand nine hundred and eighty-three."

Mr. LAMB. Mr. Chairman——

Mr. RAKER. Will the gentleman permit me to proceed for just a few minutes? I have five minutes, and I hope to use them. I would like, in my own time, to ask the chairman of the committee if there was any hearing had upon any of these matters in regard to fixing the amounts that should be specified in any of these particular national forest reserves?

Mr. LAMB. We asked the Chief of the Forest Service what he proposed to do about this, why he increased some and decreased others, and he gave us his reasons, which to the committee were satisfactory. Does the gentleman suppose that we could go through these 159 estimates here and investigate them——

Mr. RAKER. Surely. Therefore I come here for information——

Mr. LAMB. With any knowledge that we have to bring to bear upon them? We could not do it.

Mr. RAKER. Yes. It seems peculiar that in my district there should be some seven of them cut down without one word in the record or one fact adduced before the committee. I am asking the chairman of the committee now why they cut down those that were specifically in my district?

Mr. LAMB. Because we felt that the Chief Forester knew his business.

Mr. RAKER. There is no evidence before the committee showing why that was done.

Mr. LEVER. Does the gentleman from California imagine that the Chief of this Forestry Bureau, a gentleman ambitious to make his bureau a great bureau, is going to ask for any less money in California than he needs and wants?

Mr. RAKER. Surely.

Mr. LEVER. That is a strange proposition to me.

Mr. RAKER. It is not a strange proposition. This matter was submitted to the President. They were afraid they could not get the amount of appropriations that they wanted and would be cut down in their amounts by the President, and therefore they reduced the amounts generally, and in particular in my district.

Mr. LAMB. Mr. Chairman, I feel that I ought to answer that right now. We gave them all they asked. We did not cut them.

Mr. RAKER. I am not accusing the committee of cutting them.

Mr. LAMB. The gentleman said that.

Mr. RAKER. No. I asked the committee if there was any reason why they should reduce this particular appropriation from $19,000 to $13,000. There is nothing in the record about it, and I made it my special business to investigate this matter.

Mr. LEVER. Let me say to the gentleman from California this: I had a talk yesterday with the Chief of the Forestry Bureau. I sent for him, and he came to my office to answer just such a proposition as this; and he told me that this year the expenses in one of these subdivisions here may be large on account of the business conducted in the forests, while next year the business may slack off and not be so large, and hence the expense will not be so large. Hence in his estimates he makes the reduction in accordance with the business that may be conducted within each forest. In other words, the expenses of the several subdivisions in a forest reserve must of necessity vary exactly as the business of the forest varies. For instance, a lot of cattlemen may come into a new forest, and the work in connection with the matter of permits for grazing is therefore increased. Again, a lumber company opens up in a national forest, and that involves the work of marking the trees and issuing the permits and doing all of the work that is necessary in connection with that lumber deal, and it necessarily makes a larger draft on the expenses of this particular forest. Hence they are bound to vary the estimates from time to time.

And I will say to my friend that the Committee on Agriculture could not possibly in one year, or in two years, or in four years, go out among the national forests, involving an area bigger than the New England States, New York, Pennsylvania, Delaware, Rhode Island, New Jersey, Ohio, Virginia, and West Virginia, and make an investigation covering not one year, but a dozen years, and reach any very definite idea about this thing.

We are men, and we think we are sensible men, and we are willing to face the proposition. The only thing we can do is to accept the judgment of these men who have come before the committee, who have been charged with this duty, and who are, in the very nature of things, experts upon these propositions. That is all there is to it. We have not in this bill, for a single, solitary subdivision of the national forests, interfered with the estimates of the Chief Forester. We have taken them and swallowed them absolutely whole. Perhaps we have made mistakes. Perhaps a great many of these appropriations are too large. I will not say they are. But we had to take them. We did not know. It is an enormous area. It is too big a proposition, and I am sorry that my friend did not come before the committee, or have some of his people from the West who are engaged in the cattle business, or engaged in the business of grazing sheep, or in the business of lumbering, come before this committee, if they had any complaint to make against the Forestry Service, in reference to these features.

The gentleman knows that there is not a committee of this House more willing to listen to the testimony of men who have information than is the Committee on Agriculture. And I think the gentleman from California will fully agree with me, because he has appeared before that committee and has found us quite willing to listen.

Mr. RAKER. Have I made any complaint? The gentleman does not refer to me as making any complaint, does he?

Mr. LEVER. Perhaps I should have said the gentleman from Colorado.

Mr. RAKER. I do not want you to refer to me in that way. I am taking the position that I am going to defend myself before this committee in reference to this bill before we get through with it. I asked a specific question, and the committee have been unable to answer. I know the reason why. It is because they have not the testimony in regard to the matter. I am not criticizing the committee nor the Forest Department, but I want this appropriation because it is necessary, and if you get the evidence of the department they will tell you so. They think they are compelled to do this, when, in fact, they are not. That is why I am complaining. If they are going to use over $46,000 for the forest in the Appalachian Mountains, they should put that in the bill and let it appear for what it is for and not take it from the forest that needs it. Equal treatment is what I want. It is wrong to legislate in this fashion. Let every native forest have the same rights and an appropriation large enough to properly run it.

Mr. MANN. Will the gentleman permit an interruption? If it is necessary we can get him more time.

Mr. RAKER. I yield to the gentleman.

Mr. MANN. These items in reference to the national forests have only been segregated in the last year or two?

Mr. RAKER. Yes.

Mr. MANN. And when they were segregated, everyone understood that it was impossible, to begin with, to know how much each of the forests ought to have, and that we would have to learn that in the course of time by the amounts of money that were actually expended, where enough was appropriated, or how much need they had for additional money when enough was not appropriated; and I think that largely accounts for the reduction.

The CHAIRMAN. The time of the gentleman from California [Mr. RAKER] has expired.

Mr. RAKER. I consented to let my time be used up because this is an important matter. The committee will admit it took no evidence on this matter. I should like an extension of five minutes.

The CHAIRMAN. Unanimous consent is asked that the time of the gentleman from California be extended five minutes. Is there objection?

There was no objection.

Mr. RAKER. There was no hearing upon this matter. There was not anything before the committee to show the occasion for reducing the amount of money to be appropriated for specific national forests. That is correct, is it not?

Mr. LEVER. Here are some of the estimates furnished to the Committee on Agriculture showing the amount of money expended.

Mr. RAKER. I know. I have the Book of Estimates before me.

Mr. LEVER. There is a statement of the purpose for which the money is spent—maintenance so much, new construction so much, and so forth—and the committee have some idea of what these appropriations should be from statements of that kind. In addition to that, we have a general statement of the Forester on all these propositions.

Mr. RAKER. The committee did not take any testimony outside of this.

Mr. LEVER. Let me say to my friend that I tried to emphasize a moment ago that we had before the committee the Chief Forester—the man in charge of that work. In addition to that, we had these other facts. We had the estimates of the Secretary of Agriculture, submitted in the regular way to the Congress of the United States.

Backing up that, as we say, was the testimony of the chief in charge of this work, who said that we did not need any more money here.

Mr. RAKER. Oh, no; because I have the letter lying here. I have been investigating this matter and have gone into it myself. Gentlemen must remember that they cut down the appropriation $35,000 for the West and put it on the Appalachian chain.

Mr. LEVER. Not at all; I am afraid the gentleman from California has a deal of misinformation on this subject.

Mr. LAMB. We did no such thing.

Mr. RAKER. Did not the committee reduce the amount appropriated so that it could be used on the Appalachian chain; did you not reduce the amount $35,000?

Mr. LEVER. We did not.

Mr. RAKER. I have the letter here. If the gentleman has a record to show that they did not do it, and he says they did not——

Mr. LEVER. The only record we have is the statement we make.

Mr. RAKER. Now, Mr. Chairman, I do not want to get into any wrangle with the Committee on Agriculture.

Mr. LAMB. Then the gentleman must not make any charges, if he does not want to get into a controversy.

Mr. RAKER. I have not made any charges against the committee. I have simply stated that from my information there had been a reduction from the forestry in the West in the neighborhood of $35,000, which went to take up and provide for the Appalachian chain.

Mr. LEVER. Why does not the gentleman show the letter, and then we will know what there is to it?

Mr. RAKER. The gentleman said that the committee had not done that. I dropped it in incidentally.

Mr. LEVER. Will the gentleman show the letter?

Mr. RAKER. I am going to proceed with one case at a time.

Mr. LAMB. Let us give the gentleman from California an opportunity to state his case.

Mr. TAYLOR of Colorado. With the permission of the gentleman from California, I want to make one statement.

Mr. RAKER. I will yield.

Mr. TAYLOR of Colorado. I am not complaining of any estimate on any reserve nor of the cuts of 18 in my State, or anything of that kind. I am assuming that the committee acted right, but what I am objecting to is the disposition by the Forestry Department to raise the fees for the use of the forest reserve.

Mr. LEVER. The gentleman knows that the Committee on Agriculture has no jurisdiction over that unless you bring in a bill.

Mr. TAYLOR of Colorado. No; but when it gets its appropriation from this committee and when Congress is passing upon it, it seems to me that we ought to have the assurance of fair treatment.

Mr. LAMB. The Forestry Service claims that the fees are lower than they ought to be.

Mr. TAYLOR of Colorado. But we do not think so.

Mr. RAKER. Mr. Chairman, I can not yield further. On this one reserve they have reduced the appropriation from nineteen thousand and some odd dollars to thirteen thousand and some odd dollars. There is no reason on earth why, in this particular district, the sum should be reduced. This forest has been maintained and well conducted and has practically paid for itself, and where you find these forests that are being well conducted you ought not deduct money from them and place it on another one. If the other forest requires more give it more, but do not take it away from this one that needs it.

Mr. LAMB. Now, right there; we did not do any such thing. Mr. Graves is in charge of this matter, and you do not expect this committee to investigate one of these forest reserves to see whether it ought to be $13,000 or $18,000, because we would not be able to do it. We do not know what the situation is. Mr. Graves is supposed, with other employees, to know the situation. He goes through it carefully, and he apportions this amount of money to these various forests, and that is all there is in it.

Mr. RAKER. I am not saying a word against any man on earth, but is it possible, is it the fact that one man absolutely dominates and dictates and passes legislation? Not even the committee of the House may have the opportunity to change it, much less when the committee comes before the House the Committee of the Whole is prohibited from suggesting an amendment. And even when you get on the floor of the House out of 391 Representatives we are tied and bound and gagged and told that one man makes that estimate and that is the law. This is all wrong, to my way of thinking. Congress should have power to do what it thinks is right and best. When a matter is presented to the Committee of the Whole House, that committee must act, and should not be bound by anyone's statement. They should act upon their own independent judgment, otherwise we are in a mighty sad state of affairs.

Mr. RUCKER of Colorado. Mr. Chairman, I move to strike out the last word. I was in the cloakroom taking a little nap, so necessary in best legislation, when I heard a few familiar voices from the West, in your heat, intemperance, and, I was almost about to say, in your ignorance, and thought I had better come in and enter my white alley. [Laughter.]

I have introduced a bill providing for the decrease to the cattle and sheep men of the grazing fee. I have gone to the Secretary of the Interior, I have gone to the President, and I believe we are going to get these fees decreased, and therefore I am interested just to the contrary of what these gentlemen on my left are.

Mr. LEVER. Let me ask my friend if he really believes that the grazing fees are too high?

Mr. RUCKER of Colorado. Oh, yes; I know they are.

Mr. LEVER. Are they higher than the grazing fees among individuals?

Mr. RUCKER of Colorado. That is not a fair standard. Private individuals will only take a few heads of stock. Take, for illustration, Australia and New Zealand, and those sections of the country where large areas are leased, and the fees here are very much higher. At any rate I have convinced the department, and I think I have convinced the President, that we ought to have some relief in this direction. I am not interested, as it appears these gentleman are, as against these appropriations—that is to say, by reason of these appropriations having been decreased. I am in favor of increasing the appropriations so as to cover the loss that they will sustain by giving us cheaper grazing fees.

Mr. LEVER. Does the gentleman think that from 35 to 60 cents per head for cattle for a year is too much for a grazing fee?

Mr. RUCKER of Colorado. For a year? It is only three months.

Mr. LEVER. We understand this is a year, long rate.

Mr. RUCKER of Colorado. Oh, yes; it is a year, long rate, but they have to go in and they are not there more than three months.

Mr. LEVER. Does the gentleman think that is too much for a horse?

Mr. RUCKER of Colorado. It is the same thing for a horse. As my colleague suggests, they do not go up there until the 1st or the 15th of June, when only there is any grass.

Mr. LEVER. I know in my own country my father used to rent a pasture for grazing purposes, and a dollar a month was not considered too much.

Mr. RUCKER of Colorado. I want to say to the gentleman in that connection that I understood him to say a few moments ago that this committee had nothing to do with that matter, and why is it the gentleman is taking up the proposition of increasing the fees? And why is he now butting in, for he may spoil my speech?

Mr. LEVER. I was not taking that up. I was trying to get information from the gentleman.

Mr. RUCKER of Colorado. And I was trying to help out the gentleman by saying that this committee has not anything to do with that. We should uphold the hands of this committee and put more money into this appropriation if we expect any relief ourselves.

Mr. LAMB. My friend will let me make this statement, that in the national forests the cattle grazing is 3 per cent as against 11 per cent on other lands, and for horses it is 5 per cent as against 15 per cent on private land.

Mr. RUCKER of Colorado. I know, but what has the chairman of this committee got to do with that at all?

Mr. LAMB. To answer these questions; that is all. It is to be ready, and I got ready for this very condition that now confronts us.

Mr. RUCKER of Colorado. But the committee has no jurisdiction over that at all. I have been trying to help out the committee in that respect. I do not want the committee's influence against me, before the department and before the President. Under my bill——

Mr. LAMB. But we are not discussing the gentleman's bill. Wait until it comes in.

Mr. RUCKER of Colorado. And I will say that the chairman ought not to discuss it now.

Mr. LAMB. Mr. Chairman, I move that all debate on this paragraph and pending amendments be now closed.

The motion was agreed to.

The CHAIRMAN. The question is on the amendment offered by the gentleman from California.

The question was taken; and on a division (demanded by Mr. RAKER) there were—ayes 2, noes 21.

So the amendment was rejected.

The Clerk read as follows:

Arapaho National Forest, Colo., $14,758.

Mr. MONDELL. Mr. Chairman, I move to strike out the last word. I hope that conditions will not arise that will necessitate Members from the West offering amendments modifying the sums carried in this bill for specific forest reserves. It is not possible that we should know just how much of the entire sum to be used on the reserves generally should be apportioned to the reserves in our States. It seems to me that that is a matter that must necessarily be left to the department and to the committee, and I should regret very much, indeed, if I felt that the interests of my State or reserves in my State demanded that I should rise here when the bill is under discussion and offer amendments to increase appropriations for specific preserves. I have noticed that as to reserves in my State the appropriations are in some cases increased and in some cases decreased. I take it for granted that the Forestry Bureau had very good reason for making the increases and for making the decreases in the various cases, and I think, unless there is better evidence presented than there is likely to be regarding the necessity for any increase in any of these cases, they should stand as they are.

Mr. Chairman, the gentleman from Colorado [Mr. TAYLOR] has referred to the matter of grazing.

I had occasion to take that matter up with the Chief Forester the other day, and he wrote me a letter which I received this

morning—I regret I have not it with me—in which he explained what they had done. I assume that what he said in regard to reserves in my State applies to reserves generally. They have not intended, so he tells me, to generally increase or in the aggregate to increase the grazing fees. They have modified and changed them somewhat in some cases upon consultation with the stockmen in the various localities. Some of the stockmen in my State are objecting to an increase——

Mr. FOWLER. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from Wyoming yield to the gentleman from Illinois?

Mr. MONDELL. I will be glad to do so.

Mr. FOWLER. I understand that some years ago the appropriation was made in the aggregate, and that about two years ago it was segregated to the different reserves. I will be glad to have the gentleman explain, if he will, what was the reason for making this change. I will be glad to ask for more time for the gentleman, as I would like to have the reason.

Mr. MONDELL. Well, Mr. Chairman, I am not a member of the committee, and I had nothing to do with the change, but I think it was an excellent one. I think it is always a very good idea to segregate items in order that Congress may understand just where and for what purpose the sums appropriated are to be used. To go back to the question of grazing fees. Sheepmen on one of the reserves in my State felt that the charge had been unreasonably increased, and possibly that is true. I shall make further inquiry with regard to it, but the Forest Service assures me that they have no present intention of increasing the fees generally, but rather to readjust them as between cattle and sheep on the various reserves, so as to make them more uniform in accordance with the length of the grazing season in the various reserves.

There is one very serious ground for complaint, however, with regard to grazing fees, and it is this: There is no law authorizing the charge of grazing fees. The Chief Forester a number of years ago endeavored to get the committee, endeavored to get Members of Congress, to agree to an item in the bill which would authorize a grazing fee. Congress never took any action and the Chief Forester proceeded to legislate. A grazing charge was made, and then the people of the West tried for a number of years to have the question taken to the courts, first, in order that the question might be determined as to whether the Forest Bureau had any right to charge a grazing fee without specific authorization of Congress.

The CHAIRMAN. The time of the gentleman from Wyoming has expired.

Mr. MONDELL. Mr. Chairman, I ask that my time may be extended for five minutes.

The CHAIRMAN. The gentleman from Wyoming asks unanimous consent that his time may be extended for five minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. MONDELL. Second, in order that the question might be determined as to what constituted a trespass on a forest reserve. Men living in the vicinity of a reserve had cattle which grazed generally upon the open range, but sometimes they strayed upon a reserve, and the question was, Did that straying upon the reserve constitute a trespass? Efforts were made to have that question taken to the courts and there decided. There is no way in which it could be done without an agreement on the part of the Government. The forest officials refused to allow a fair case to be taken to the court. The State of Colorado finally took what is known as the Fred Light case to the court, because they could not get any other case there.

It never should have been taken to the Supreme Court, because the facts in the Fred Light case clearly indicated intentional trespass—there is no question about that—and so the Supreme Court very properly, I think, said that an intentional trespass upon a forest reserve is punishable. Well, now, the result of that is that the straying upon a forest reserve of animals roaming upon the public domain in the vicinity of a reserve is held by the Forest Service to constitute a trespass—a willful trespass. The further result is that those living in the vicinity of a reserve who have cattle and horses grazing upon the open range feel called upon to take out grazing permits, not because they intend to graze their stock upon the reserve, not because their stock is ordinarily upon the reserve, but because some of the stock may some time roam on the reserve, and in order to protect themselves they take out grazing permits for a given number of animals.

In my State a private individual can not collect damages from the owner of live stock which strays upon his unfenced land, and yet the Federal Government may establish forest reserves here, there, anywhere in the country, and if the stock of any citizen, wandering generally upon the public domain, goes upon the forest reserve it constitutes a trespass. The Federal Government therefore occupies a position entirely different from any private individual. Our people do not feel comfortable under that condition of affairs. We do not believe it is good law.

Mr. BUTLER. What is your remedy in case of trespass?

Mr. MONDELL. The remedy on the part of the citizen is to defend himself the best he can before the United States courts.

Mr. BUTLER. I am asking seriously for the information. Do they really enforce the law against small trespass—trespass made by mistake? Does the Government enforce the law?

Mr. MONDELL. I do not think the Forestry Service intends to or desires to be unjust—the present forestry management. I think the gentlemen now in charge of the forest reserves are trying to be reasonable and just. But here is a Supreme Court decision, in a very extreme case, which made very bad law, just as extreme cases always do.

Mr. LEVER. Is this true:

That within the last two years no stock grower has been denied the privilege of using forest ranges because of unsettled trespass.

And that few stock growers have been denied grazing privileges because of outstanding charges of trespass; during the past two years absolutely none whatever?

Mr. MONDELL. I will say to the gentleman I presume that is correct, as I have had no complaints of that kind. I once had numerous complaints of that nature. And I will say to the gentleman that if I had any now I would probably have aired my grievances on the floor of the House. But I have not had any, and I think the department is more reasonable in that matter now.

The CHAIRMAN. The time of the gentleman has expired.

Mr. LAMB. Mr. Chairman, I move to close debate.

Mr. MONDELL. I ask unanimous consent for five minutes more.

Mr. LAMB. Mr. Chairman, I move that debate close on this section right now. The gentleman has already had 10 minutes.

The CHAIRMAN. Is there objection?

Mr. MONDELL. Will you give me two minutes more?

Mr. LAMB. Certainly. I want to be as courteous as possible.

The CHAIRMAN. The gentleman from Virginia asks unanimous consent that the gentleman from Wyoming may have two minutes more. Is there objection? [After a pause.] The Chair hears none.

Mr. MONDELL. There have been cases where men have been compelled to defend themselves at very great cost. I have one case in mind where a man was assessed by a supervisor and fined because his horses strayed on a forest reserve. Of course, that was a little irregular, and when the attention of the Forest Service was called to it they corrected the action.

Mr. LEVER. The gentleman has to-day, in accordance with his admission of a moment ago, admitted that none of these things have happened under the present administration of the Forest Service, and it is begging the issue.

Mr. MONDELL. I am not; and the very fact that the gentleman misunderstood me shows that he does not fully understand the matters under discussion. The paragraph the gentleman read says that when men are under charges for trespass they are allowed to have their stock on the reserve during the pendency of the charge. Is not that it?

Mr. LEVER. That is one proposition; yes.

Mr. MONDELL. The other was similar to it, as I understood it.

Mr. LEVER. The proposition I made was that the abuses of which you have complained have not happened in the past year.

Mr. MONDELL. Not altogether. Men are being compelled to take out permits for the grazing of stock on the reserves whose stock may never see the reserves. They are compelled to do it because they are afraid of the Supreme Court decision in the Fred Light case, and because the local supervisor may tell them that that decision will be adhered to.

Mr. TAYLOR of Colorado. Will the gentleman from Wyoming yield for a question?

Mr. MONDELL. If I have any time.

Mr. TAYLOR of Colorado. Is it not true that the forest rangers go to the assessment roll and get the number of heads of stock a man is assessed for, and then make him take out permit for all of them whether they ever see the forest reserves or not, and try to fix the rate as it would be for pasture on privately owned land?

The Clerk read as follows:

Arkansas National Forest, Ark., $14,402.

Mr. MORSE of Wisconsin. Mr. Chairman, I move to strike out the last word. I think it is only fair that the position of the Forest Service should be stated at this time, and in this connection I will state that I have a letter from the Forester on this matter of grazing on the public lands, which I shall in

a moment ask permission to insert in the RECORD. Let me read a part of it, and you will notice, as I proceed, that the Government is not charging these people for the use of our land one-half of what it is worth or what the Government ought to charge them for grazing purposes. I read:

During the past three years a very careful study has been made of the prices paid for the use of private lands for grazing purposes. The prices paid for the use of Indian and military reservations has also been taken into consideration. The result has been to show that the rates charged for grazing live stock on the national forests are only about one-third as much as those charged for the use of private lands, railroad land grants, and lands within military and Indian reservations.

Mr. TAYLOR of Colorado. Mr. Chairman, will the gentleman yield to me?

Mr. MORSE of Wisconsin. Not now; let me finish.

And lands within military and Indian reservations, and also that the proportionate amount paid for pasturing sheep on a per capita basis is about 30 per cent of the rate paid for cattle, which is in conformity with the ratio established by the present regulations. The basis of this rate for sheep grazing is, first, that the proportionate number of stock under 6 months of age allowed to graze free under national-forest permits is much greater with sheep than with cattle, and the lambs mature more rapidly than calves, therefore requiring more feed and reducing the feed-lot ratio of 8 sheep to 1 cow, where all animals are counted to a range ratio of 5 sheep to 1 cow in the amount of forage required.

A little further on I read:

From the results obtained in the study of grazing rates we now have before us the problem whether there should not be a readjustment of grazing fees. As a matter of policy, I am not in favor of fixing the rates paid by competitive bid.

That deals with another question. Now listen:

If the present rates were increased to 60 per cent of the full value of the forage, it would almost double the returns from grazing upon the national forests.

In other words, these cattlemen and sheep men are paying to the Government to-day only about one-third of what this is worth. They are grazing their cattle and sheep upon the lands belonging to all this Nation at one-third of what it is worth, and still they are down here in Congress introducing bills for the purpose of getting it for less.

Now, those are the facts, and I want to ask unanimous consent, Mr. Chairman, that I may insert in the RECORD this letter from the Forester, Mr. Graves.

The CHAIRMAN. The gentleman from Wisconsin asks unanimous consent to extend his remarks in the RECORD by inserting the letter referred to. Is there objection?

Mr. TAYLOR of Colorado. Before the gentleman sits down I would like to submit a question.

Mr. MORSE of Wisconsin. With pleasure.

Mr. TAYLOR of Colorado. Does the Canadian Government or any other government charge for the use of the Government's domain the free grass that would burn out and destroy the timber if it was not grazed off? And has the United States Government done so in the history of this country until within the past six or eight years? Answer the question; yes or no.

Mr. MORSE of Wisconsin. In the first place, I am not familiar with what the Government does, and——

Mr. TAYLOR of Colorado. Answer the question.

Mr. MORSE of Wisconsin. Let me finish. I am perfectly willing to answer. That is all right. This Government is charging something for the use of this range. That range belongs to all of the people of this Nation, and not to the people who live out there——

Mr. TAYLOR of Colorado. Yes——

Mr. MORSE of Wisconsin. And furthermore, we are appropriating every year money from the National Treasury to support that range.

Mr. TAYLOR of Colorado. And if you did not appropriate a dollar it would be better for the United States. [Applause.]

Mr. MORSE of Wisconsin. And that money is derived by taxation from all the people of this Nation, and therefore all the people should receive some benefit. Therefore, I say, it matters not what the Canadian Government or any other government may do. It is just and proper that these forests, which are supported at the national expense, should pay back money into the National Treasury, and just because you are living at the doors of the forests is no reason why that should not be done.

The CHAIRMAN. The gentleman from Wisconsin [Mr. MORSE] asks unanimous consent to extend his remarks in the RECORD by inserting a letter. Is there objection?

There was no objection.

Following is the letter referred to:

UNITED STATES DEPARTMENT OF AGRICULTURE,
FOREST SERVICE,
Washington, February 26, 1912.

Hon. I. L. LENROOT,
House of Representatives.

DEAR MR. LENROOT: In reply to your letter of February 21:

I have the honor to inform you that prior to the year 1906 no charge was made for the grazing of live stock within the national forests. The regulations first adopted for the management of the national forests, then called forest reserves, followed in general the policy which governed the use of the other public lands. The Government had restricted the use of timber on the public lands by legislation designating the amount of public timber which might be used by settlers and others free of charge and the conditions under which timber in excess of this amount might be purchased, but had never undertaken to regulate, or make any charge for, the use of unreserved public lands for grazing purposes.

Whenever grazing had been allowed upon public lands included within either Indian or military reservations a charge had been made which was based upon the full commercial value of the forage. At the time of the transfer of the administration of the forest reserves from the Department of the Interior to the Department of Agriculture, by the act of February 1, 1905, it was provided that all money received from the sale of any products or the use of any lands or resources of the forest reserves should be covered into a special fund available for the protection, administration, improvement, and extension of the forest reserves. This was with the idea that ultimately the forest reserves would be made self-sustaining.

In order to carry out the evident intent of Congress, a regulation was promulgated by the Secretary of Agriculture on July 1, 1905, providing that on and after January 1, 1906, a charge would be made for grazing permits on the forest reserves. Owing to the fact that no charge for grazing on the forest reserves had theretofore been made and that no charge was made for the use of the unreserved public lands, it was deemed advisable at first to fix the grazing fees at a moderate amount which would represent a fair share of administrative cost of the national forests and a reasonable return to the Government for the value of the forage and for the benefit to the stock industry in protection and stability to business received through regulated use of the grazing land, but which at the same time would not be unreasonable from the standpoint of the live-stock industry.

With this idea in view rates were established of from 20 to 35 cents per head for cattle and horses for the regular summer grazing period and from 35 to 50 cents per head for the entire year, and from 5 to 8 cents per head for sheep for the regular summer grazing period. Notice was also given in the published regulation that these rates would be advanced when market conditions, transportation facilities, and demand for the range warranted it, but that the grazing fee charged would in all cases be reasonable.

On July 1, 1907, the regulations were revised and the schedule of grazing fees made to include a rate of 10 to 18 cents per head for sheep for the entire year. In the last revision of the regulations, which was made on May 1, 1911, the grazing fees on cattle were again fixed at from 35 to 60 cents per head per year, and the fees for sheep at 30 per cent of the cattle rate. While several minor readjustments of the schedule of grazing fees have been made, the general charges have not been materially changed since the establishment of the policy of charging a fee for the grazing on the national forests.

During the past three years a very careful study has been made of the prices paid for the use of private lands for grazing purposes. The prices paid for the use of Indian and military reservations has also been taken into consideration. The result has been to show that the rates charged for grazing live stock on the national forests are only about one-third as much as those charged for the use of private lands, railroad land grants, and lands within military and Indian reservations, and also that the proportionate amount paid for pasturing sheep on a per capita basis is about 30 per cent of the rate paid for cattle, which is in conformity with the ratio established by the present regulations. The basis of this rate for sheep grazing is, first, that the proportionate number of stock under 6 months of age allowed to graze free under national-forest permits is much greater with sheep than with cattle, and the lambs mature more rapidly than calves, therefore requiring more feed and reducing the feed-lot ratio of 8 sheep to 1 cow, where all animals are counted to a range ratio of 5 sheep to 1 cow in the amount of forage required; and, second, that under the customary methods of handling stock upon the range sheep are herded in bands while cattle are turned loose. For this reason sheep are more destructive to young forest growth than cattle, and also destroy a much greater amount of forage by trampling. Careful investigation has shown that herded animals require from 25 to 50 per cent more range than animals which are turned loose. These facts justify the present ratio fixed by the regulations.

From the results obtained in the study of grazing rates we now have before us the problem of whether there should not be a readjustment of grazing fees. As a matter of policy I am not in favor of fixing the rates paid by competitive bid, for the reason that the small owner and new settler would not be able to compete with the large owners, and such a system would therefore tend to place the grazing privileges in the hands of the larger outfits and check the wider distribution of these privileges which is being brought about under our present regulations. Therefore I believe that the rates should be fixed by the Government with due consideration of all factors which bear upon the matter, and with such deduction on account of the greater restrictions which are placed upon grazing within the national forests than upon the use of other kinds of lands as seems justified. We have not yet completed the study of the amount of damage done by different kinds of stock and of other matters which have a bearing upon the deduction which should be made on account of necessary restrictions, but from what has already been learned it is probable that it should be somewhere between 25 and 40 per cent, or in other words, that the charge for grazing on the national forests should be from 60 to 75 per cent of what would be a reasonable charge for the use of similar lands without restrictions. If the present rates were increased to 60 per cent of the full value of the forage it would almost double the returns from grazing upon the national forests. We are now studying the question of just what changes should be made, how and when.

Any readjustment of rates which is deemed advisable should be made gradually and with due consideration for the welfare of the live-stock industry.

Very sincerely, yours, H. S. GRAVES, *Forester.*

Mr. MARTIN of Colorado. Mr. Chairman, I would like to strike out the last word, pro forma. I had intended to ask the gentleman from Wisconsin [Mr. MORSE] a question, and will then take only two or three minutes time. The defect of the gentleman's proposition is that it does not go to the fundamentals of this question at all. The gentleman loses sight of an all-important fact when he says that the lands that are held in private ownership are leased at three times as much as those included in the public domain. I do not know whether that is true or

not, or whether the charge on the public domain is one-third of what is charged on the private domain, but the gentleman loses sight of the fact that the lands in private ownership bear a share in the expenses of local government, and bear their share of the burdens of the Commonwealth, whereas these lands in the public domain are absolutely exempt from taxation, and we never get any benefit from them except what Congress may see fit to vote to us in these appropriations, 95 per cent of which, I may say, goes into official salaries.

Mr. LAMB. The State gets back 25 per cent of it, I may say to the gentleman.

Mr. MARTIN of Colorado. The State now gets back 25 per cent of it, whereas——

Mr. MANN. Which is more than the taxes amount to——

Mr. MARTIN of Colorado. Whereas if this land were reduced to private ownership the State would get back all of it. You pay back 25 per cent of it and the Government keeps 75 per cent, and you boast of your generosity to us. We do not consider that generosity, Mr. Chairman. We do not call that generosity. So far as you have the public domain in Federal reserves it is not a part of the resources of the State at all. It is simply a Federal tenancy, not a part of the State. You could not build up an American State under those conditions. If this land were under private ownership it would be locally taxed, and the people would build their schoolhouses, roads, and bridges, and make their own improvements on it.

Mr. RUCKER of Colorado. And the Government would not be behind year after year in the administration of those forests.

Mr. TAYLOR of Colorado. Is it not true that to-day we maintain the courts which preserve the peace upon the Government land out of which we get no return whatever? We maintain the schools and build the roads that some of these carpetbag Federal employees use out there.

Mr. RUCKER of Colorado. We maintain the criminal courts, where some of these men ought to be arraigned.

Mr. LAMB. The gentleman from Colorado says that these Federal employees are carpetbaggers. They are not carpetbaggers. They are selected from your localities.

Mr. TAYLOR of Colorado. Let me read to you.

Mr. MANN. You say you get no return. We pay you 25 per cent of the gross receipts, and if you pay that proportion of taxes on your private property, God help you.

Mr. LEVER. Fifty thousand dollars to the State of Colorado.

Mr. RUBEY. Mr. Chairman, I should like to know what business four men have occupying the floor and talking all at the same time.

The CHAIRMAN. The State of Colorado has the floor.

Mr. TAYLOR of Colorado. I want to support my statement in regard to carpetbag administration.

Mr. LAMB. I challenge that statement.

Mr. BURLESON. The gentleman does not know what real carpetbaggers are. [Laughter.]

Mr. TURNBULL. I should like to ask the State of Colorado a question.

Mr. TAYLOR of Colorado. I have the floor, and I decline to yield.

The CHAIRMAN. The gentleman from Colorado [Mr. MARTIN] has the floor.

Mr. TAYLOR of Colorado. If my colleague has the floor, I will ask him to yield to me.

Mr. MARTIN of Colorado. I do not think I have had over one-fourth of the floor, but if my colleague wants to go ahead in the good work, and he seems to have something there that he wants to read, let him proceed.

Mr. TAYLOR of Colorado. I want to read a Washington Associated Press dispatch, dated October 7, 1908, and I want to ask how much the conditions have changed since:

WASHINGTON, *October 7, 1908.*

The district foresters who will be in charge of the six field districts of the Forest Service, beginning January 1 next, have been selected by United States Forester Gifford Pinchot.

They and their headquarters are as follows:

District 1. Missoula, Mont., W. B. Greeley, of California.
District 2. Denver, Colo., Smith Riley, of Maryland.
District 3. Albuquerque, N. Mex., A. C. Ringland, of New York.
District 4. Odgen, Utah, Clyde Leavitt, of Michigan.
District 5. San Francisco, Cal., F. E. Olmstead, of Connecticut.
District 6. Portland, Oreg., E. T. Allen, formerly State forester of California.

There is not a man in all this list who is appointed from the State in which he is operating, and these are the foresters, so far as I know, who are reigning over us at the present time.

Mr. BURLESON. Carpetbaggers, pure and simple.

Mr. LAMB. I want to read what Mr. Graves said on this very subject:

The CHAIRMAN. Do you aim, as far as you can, to make the service homogeneous—to place the foresters in the localities where they belong?

Mr. GRAVES. Yes, sir; all of the ranger force, the men on the ground, are from local civil-service registers.

The CHAIRMAN. That is what I want to bring out, because it has been disputed, the charge being that you carried into the service men from other States unacquainted with local conditions.

Mr. GRAVES. They are from the local civil-service registers.

The CHAIRMAN. I am glad to hear it. Go on.

Mr. TAYLOR of Colorado. The gentleman has not said anything about the district foresters or supervisors at all. He is talking about the rangers. I think the rangers are mostly from home, and I am making no objection to them; but we do not relish the men who dictate the policies being appointed from other States.

Mr. BURLESON. And they draw all the big salaries.

Mr. TAYLOR of Colorado. They draw all the big salaries there are out there.

Mr. OLMSTED. Mr. Chairman, I rise to a question of personal privilege. If I correctly understood, the gentleman from Colorado [Mr. TAYLOR] referred to me as a carpetbagger from Connecticut, an imputation which I resent. [Laughter.]

Mr. TAYLOR of Colorado. That is a namesake of yours, and at the present time I presume he is reigning over the State of California.

Mr. OLMSTED. He is no relative of mine.

Mr. FOWLER. Mr. Chairman, I move to amend the amendment by striking out the section.

The CHAIRMAN. The gentleman from Illinois [Mr. FOWLER] offers an amendment, which the Clerk will report.

The Clerk read as follows:

Page 22, strike out the paragraph, lines 13 and 14.

Mr. FOWLER. Mr. Chairman, I did not rise to make any speech on this question, but I rose for the purpose of getting a little information. I understand from the distinguished gentlemen from Colorado that they are anxious to have the public domain of the West opened up for free grazing for their horses, cattle, goats, and sheep. I desire to ask them this question, How do you expect us in the Middle West and in the East to compete with you in the markets of the country in the sale of our horses, our sheep, our cattle, and our goats, which are fed on grass from lands where we must make the pasturage ourselves if you are permitted to raise yours on the public domain free?

Mr. MARTIN of Colorado. I am glad the gentleman asked that question, and I am going to answer him now. I do not ask to throw the public domain in the West open to free grazing. I ask simply that it be thrown open for settlement and development.

Mr. SHACKLEFORD. The gentleman wants homes and citizens?

Mr. MARTIN of Colorado. Exactly.

Mr. FOWLER. I yielded the floor to the distinguished gentleman from Colorado [Mr. MARTIN].

Mr. MARTIN of Colorado. We want homes and citizens instead of Federal tenants and Federal employees, a mere bureaucracy, which is all that we have now on the forest reserves.

Mr. RUCKER of Colorado. Will the gentleman from Illinois yield to the other distinguished gentleman from Colorado? [Laughter.]

Mr. FOWLER. I will yield to the distinguished gentleman from Colorado whose home is in Denver.

Mr. RUCKER of Colorado. I will say to the gentleman that with reference to his stock he can send it to Colorado, but please keep the billy goats at home. [Laughter.]

Mr. FOWLER. I am a good deal like Tom Merritt was in Illinois. When a certain proposition was put up to him he said he could not do it, and that is just the way that we in the East and Middle West are; we can not ship them across there to graze.

Now, Mr. Chairman, I am not asking this question for the purpose of trying to place any awkward condition on the gentleman from Colorado, but I did it for the purpose of getting at the facts in the case. The distinguished gentleman from Colorado [Mr. MARTIN] says that he does not want the domain thrown open to free grazing of the cattle raisers of the West, but that he wants to get rid of the bureaucracy which is in existence out there over some of their domain not yet opened up to public settlement for homesteading. If that be his object it is a most laudable one; but I have not heard one of these gentlemen answer my question as to how they expect us to compete with them if they get their grass free and we have to pay for ours. I understand that at least one of the gentlemen from Colorado objects to the charges fixed in this bill for grazing on public land.

Mr. TAYLOR of Colorado. Will the gentleman yield?

Mr. FOWLER. I will yield to the distinguished gentleman representing Colorado at large.

Mr. TAYLOR of Colorado. I was born and raised in the State which the gentleman represents in part. My father used

to graze cattle upon the ranges in Illinois for years and years, and the Government never charged him anything for it, and the people in the East never complained that we were getting free grass in the State of Illinois.

Mr. MANN. I was raised in Illinois, and I am older than the gentleman from Colorado. There never were such herds in Illinois grazing on the public lands as there are in the West—nothing like it.

Mr. FOWLER. Mr. Chairman, I have yielded to the distinguished gentleman from Colorado [Mr. TAYLOR].

Mr. TAYLOR of Colorado. The gentleman will recollect further that we live about 1,500 miles farther from the markets than he does and that the freight rates from our country will more than make up the difference in the cost of grazing, even with free grazing.

Mr. FOWLER. Kansas City is one of the greatest meat markets in the world, and it is as near to the home of the gentleman from Colorado as it is to the Central West, and yet I have not had an answer to my question. How do you expect us to compete in the Middle West with taxes on our grass when you ask for no tax on your grass?

Mr. TAYLOR of Colorado. If the gentleman knew anything about the beef business he would know that even in the Central States beef fed on pasture grass brings a higher price than that fed upon the ranges.

Mr. FOWLER. That may all be true; but the cattle of the West raised on free grass cost but little and can be sold on the market at a price far less than can be done by the farmers in the East and Middle West. You brand yours and turn them loose, and when you want to put them on the market you spend a few days in rounding them up. We must graze ours on high-priced land and are at a big expense all the time. You can sell at a low price with a profit and keep us out of the market until you have sold all yours.

Mr. FOWLER. Mr. Chairman, I withdraw my amendment.

The CHAIRMAN. Without objection, the amendment is withdrawn.

There was no objection.

The Clerk, proceeding with the reading of the bill, read as follows:

Ashley National Forest, Utah and Wyoming, $4,434.

Mr. DIES. Mr. Chairman, I move to strike out the last word. I desire to make a very brief observation. I am not unmindful of the fact that nearly all of the public domain of this country has been appropriated in one way or another. I have a sympathetic feeling for the conservation movement, which has gone to such extremes in this country. There are two kinds of reformers. I wish this House of Representatives might keep in mind that there are two varieties of enemies of progress. The first is the man who sits back and refuses to move, and they call him a standpatter, and the other is the man who wants to move so rapidly that no great institution can keep pace with his movement. I would liken the one to an ox, who will not move at all, and they call him a standpatter. The other I would liken to a grass-fed mustang pony, who kicks while the balance of the team pulls and who wants to run away the moment that the load begins to move. So it is in the conservation movement.

Nothing was said in this country while the great public domain of the Republic was being bartered and frittered away, but now we see conservationists who strain at a gnat and swallow a camel. Only last evening I was interested in the debate precipitated by the gentleman from California [Mr. RAKER] in a case where a company which had honestly invested $500,000 wanted an easement over 3,800 feet of the public domain. The facts developed that they already own an easement which gives them an open ditch over the 3,800 feet, and they wanted an easement to give them the right to sink a pipe line parallel to the open ditch. Yet the great heads of the conservation movement opposed this perfectly natural and justifiable desire of this company.

I was interested to know to what extent the national activities had engaged upon this proposition, which the Government expert testified was worth less than $50. Mark you, Mr. Chairman, this is an easement that this company already owned, and they only want to change their open ditch to a buried pipe line of 3,800 feet, and this a concern that is lighting a number of small cities in the West and furnishing energy for a number of manufacturing plants. Upon investigation I found that the President of the United States; the Attorney General of the United States; the Secretary of Agriculture; Mr. Willis L. Moore, the Acting Secretary; Mr. George McCabe, the Solicitor of the Agricultural Department; and an assistant solicitor of the Treasury Department, and not one but dozens of others of the great functionaries of the Government, had given great consideration to this matter, and numbers of pages of reports have been made, and, in a word, this small thing had occupied the energies of the functionaries of this great Republic, from the President of the United States down to some of the smaller officials, and they were occupied over what? Over the desire of an electric company which had already spent $500,000 of honest money and which wanted to change an easement, an open ditch, to a buried pipe line.

Mr. Chairman, I say that we have gone to extremes, and, like the sleeping passenger on the train who has been relieved of his purse, of his watch and coat, we have awakened to find we are robbed of all, and now we go to pitiful extremes upon legitimate business. I have all respect for a true reformer, and for your insurgent I have some respect, but there are two ways of progress. There is the steady pull of the honest legislator who wants to promote the public good, and there are then those fitful jerks of insurgents, like the grass-fed mustang, who kicks when honest horses pull, and who wants to run away the moment the load begins to move. I have no sympathy with that sort of progress.

The Clerk read as follows:

Battlement National Forest, Colo., $6,593.

Mr. GUERNSEY. Mr. Chairman, I move to strike out the last word. I would like to inquire about the estimates here. I see these estimates are quite uniform in many instances as to different reserves. Are the estimates based on acreage?

Mr. LAMB. They are not based on acreage, but on what is recommended by the Chief of Forestry Division. He arranges the forest divisions on the conditions surrounding them.

Mr. RAKER. Is it not a fact that they are based on mathematical calculation sent to the committee?

Mr. LAMB. They are based on conditions before the Chief of Forestry Division, and he knows about this work. We can not tell about it. We could stay here until we are as old as Methuselah without knowing about each one of these particular divisions. There are 150 or more of them.

The Clerk read as follows:

Battlement National Forest, Colo., $6,593.

Mr. McLAUGHLIN. Mr. Chairman, there are about 14 pages of this kind of matter in this bill. It seems to me we could dispense with the reading of it. Gentlemen might indicate the particular ones in which they are interested and to which they desire to object or about which they desire to inquire. I ask unanimous consent that that course be taken.

Mr. MANN. Mr. Chairman, I should be compelled to object to that. I do not believe in passing bills without their having been read.

Mr. LAMB. We can not do that.

The CHAIRMAN. The gentleman from Illinois objects. The Clerk will read.

The Clerk read as follows:

Cabinet National Forest, Mont., $12,847.

Mr. MARTIN of Colorado. Mr. Chairman, I hope Members will not feel that a little discussion of this question for a few minutes as we go along is a waste of the time of the committee. I think sometimes the wrangles we get into over this question annually on these agricultural appropriation bills are not only unfortunate and unwise but decidedly misleading. I think sometimes the Representatives from the forest-reserve States make a mistake in getting drawn into hair-splitting wrangles about the size of the grazing fee, the amount of the appropriation for a particular forest, or the number or salary of the forest rangers, or something of that kind. I think it would be better for us if we kept silent on these minor questions. I have long since decided that it was a waste of time merely to attack the errors and abuses of the Forest Service, because errors and abuses are inherent in every institution and in every bureau of the Government, and in the course of time those things could be cured more or less; but I felt we should center our attack upon the institution itself, and I want you gentlemen to know that is what I principally object to, and at this time it is practically all to which I object. I regard the forest reserve as it is now established and its administration as an utterly un-American institution. You never could have built up an American commonwealth under such a system. The only reason that Colorado is to-day a State is because it is only one-fourth in forest reserves. If Colorado was three-fourths in forest reserves, it could not now be made a State and it never could be a State.

Mr. TURNBULL. Will the gentleman yield for a question?

Mr. MARTIN of Colorado. Yes.

Mr. TURNBULL. What I desire to know is—I do not pretend to know anything about the matter—whether the gentlemen in the West want these appropriations. If not, I am in favor of striking them out.

Mr. MARTIN of Colorado. The gentleman would put us in a rather delicate situation if these appropriations were stricken out. I have foreseen since I began the study of this question the very thing mentioned by my colleague a few moments ago, to wit, an increase of the charge for the use of the national forests, and the very thing that is being put into effect by this bill, to wit, a reduction in the amount of the appropriations. I have foreseen that thing, and I have studied the question with a view to the proposition that Representatives from those States might get their wires crossed on it; that if Representatives from those States were down here advocating reductions and opposing increases in appropriations for the national forests, that when increases were made in charges for the use of the forests the Representatives would be blamed for it.

Mr. RUCKER of Colorado. I did not take any such position, and I suggest to the gentleman from Colorado that I took exactly his position; I said I wanted these appropriations made, but I said we could get along without these grazing fees.

Mr. MARTIN of Colorado. I understand that our positions are identical. Now, Mr. Chairman, the man who above all other men is responsible for this institution said from the start that it should not only be made self-sustaining, but a source of profit to the Federal Government; and when I saw that the Federal Government was putting into the forest reserves $3 for every dollar that was being taken out, and that $3 was being put in in the shape of salaries—and I once analyzed the expenditures in the Forest Service in this House, and I believe I showed that over 95 per cent of the entire cost of the administration of the forest reserves consisted in salaries—when I saw that great discrepancy between the receipts and the expenditures in the Forest Service I predicted to my people the time when appropriations would be cut down by Congress and the charges for the use of the reserves would be increased.

I used the argument in the very community where they are now clamoring against this proposed increase. I said, "You gentlemen do not want to get too enthusiastic about this institution because you are getting cheap ranges now. Congress is going to get tired of pouring money into the forest reserves after a while, and when they cut down these appropriations they are going to increase these charges to all the traffic will bear." But now, Mr. Chairman, take the conditions that we would have in the public-domain States if this institution is to be permanent. Why, here are 18 forest reserves provided for in this bill in the State of Colorado. Do you realize what an area that is? A great many of you gentlemen, especially from this eastern country, do not realize what it means in acreage or what it means in square miles when we say that one-fourth of the State of Colorado is in forest reserve. I want to say to you gentlemen that the congressional district which I represent is 50 per cent larger than the six New England States combined. Why, I do not even know the names of all the forest reserves in my district. They have gone out into the mountains there and they have reserved everything that has got the suspicion of scrub brush within 10 miles of it.

I think this hydro-electric case from California is one of the finest examples imaginable of the dog-in-the-manger policy that is being pursued by this institution. A man could not have imagined such a case as you had immediately before you yesterday and as you will have on next Calendar Wednesday when that map is again put down there where it was yesterday. Here is a business proposition. I know some of the men, as they live in my State. They have not only spent half a million dollars there, but they have told me they have spent $1,000,000. They own the entire right of way, as the gentleman from Texas said, from the water source down to where the power is to be developed. They have a ditch running down through that right of way, across this 3,800 feet of public domain, but now to develop electrical energy they must lay a pipe line so that they can get farther up the hillside and get a waterfall.

That land is just as barren of any vegetation as the seats in this Hall. That 3,800 feet of land is not worth 5 cents a township for any purpose on earth, and never will be as long as the sun shines and the water runs. It is nothing but a barren mountain side. It never was worth taking, and nobody would file on it, and so it happened to be lying there when the conservation policy came in, along with all the other land in that community not in private ownership.

The CHAIRMAN. The time of the gentleman has expired.

Mr. MARTIN of Colorado. I would like five minutes more.

The CHAIRMAN. The gentleman from Colorado asks unanimous consent for five minutes additional time. Is there objection?

Mr. LAMB. Mr. Chairman, I object.

The Clerk read as follows:

Cache National Forest, Utah and Idaho, $7,703.

Mr. MARTIN of Colorado. Mr. Chairman, I move to strike out the last word.

Mr. LAMB. I will ask my friend to please discuss the issues here involved and not to criticize this appropriation. If these gentlemen from the West want this matter settled and propose to demand that the public domain in these States be transferred to the respective States where these forest reserves are located, let them bring that subject before this House, and if they can not do it, then let them try secession—a remedy for certain ills that failed, as some of us know.

Mr. RUCKER of Colorado. I want to inform the gentleman from Virginia that I have such a bill, and I want to know whether you will vote for it or not.

Mr. LAMB. I will hear you patiently, and we will cross that bridge when we get to it.

Mr. CULLOP. Will the gentleman yield?

Mr. MARTIN of Colorado. Yes, sir.

Mr. CULLOP. I understood you to say a moment ago that about one-fourth of your State is embraced in the national forest reserves?

Mr. MARTIN of Colorado. Yes, sir.

Mr. CULLOP. And you also stated that if three-fourths of it was a national forest reserve it would never have become a State. What do you mean by that statement?

Mr. MARTIN of Colorado. I mean that there would not remain enough land and natural resources in that State that could be reduced to private ownership to form and support an American Commonwealth. It would simply remain a Federal dependency, a bureaucracy, ruled over by a department chief in the city of Washington, with every man living on that domain and using it living there under a lower form of tenancy than was ever known to the common law of England. He would be living upon and using the public domain under a mere permit or license, revocable without cause and without notice by the bureaucrats here in Washington. It is small wonder the reserves have some friends upon and near them. Has anyone on the forest reserves got any chance who is not in favor of them? Such a man must be in favor of the reserves or get off the earth.

Mr. CULLOP. Will the gentleman permit another question now?

Mr. MARTIN of Colorado. Yes, sir.

Mr. CULLOP. Does the keeping up of this policy prevent the settlement of these lands?

Mr. MARTIN of Colorado. Yes, sir; I will say to the gentleman there is not any question about that on earth. Is the present condition of that proposition in California preventing the development of a great industrial power plant there and the consequent development and benefit of the whole community? If it is, I want to say that the whole public domain is being retarded more or less in that way.

Mr. CULLOP. How many men do they keep on these national reserves?

Mr. MARTIN of Colorado. That would vary with the size of the reserves. There are several thousand employees in the Forest Service.

Mr. CULLOP. I would like to ask you one other question. Does the gentleman know the amount that has been appropriated by this bill to keep that army of public officials there?

Mr. MARTIN of Colorado. Yes, sir.

Mr. CULLOP. How much is it?

Mr. MARTIN of Colorado. Well, it is over $5,000,000.

Mr. CULLOP. Is all the property embraced on it worth the half of that?

Mr. LAMB. Oh, yes; it is worth many times more.

Mr. LEVER. The timber itself is worth $500,000,000.

Mr. MARTIN of Colorado. This is the point I make, Mr. Chairman, against forest reserves and against this institution: That if people can go upon those reserves under Government ownership, and not only make a living on them but pay the Government a rental for them, then they can afford to own them. [Applause.]

Is not that a self-evident proposition? Yet they would have you to understand that this is a sort of worthless domain which could not be gone on to and reduced to private ownership and developed and a civilization built up on it as is done elsewhere. Gentlemen, do you mean to tell me that the National Congress would stand for a policy that segregates and locks up vast areas capable of being settled and farmed and pastured, and so forth, and that the Government would be permitted to preserve such areas forever and forever under the conditions of Federal tenancy that I have described?

Mr. LAMB. More and more homesteaders are going in every year, Mr. Chairman, as I understand.

Mr. MARTIN of Colorado. If the gentleman from Virginia will go out there and try to reduce some of that forest land to private ownership—some of that land that is now being set

apart and retained in the forest reserves—he will come back a sadder and a wiser man. His present knowledge of the subject is purely theoretical; it would then be practical.

Mr. HOWARD. Does the gentleman know about how many acres of land are embraced in each one of these forest reserves?

Mr. MARTIN of Colorado. There are 18 of these reserves in the State of Colorado, I believe, and there are about 16,000,000 acres of land in them, so that they would run to about a million acres to a reserve in that State. There are nearly or quite 200,000,000 acres in all 10 Federal forest reserves.

Mr. TURNBULL. Mr. Chairman, will the gentleman allow me to ask him a question for information?

The CHAIRMAN. Does the gentleman from Colorado yield to the gentleman from Virginia?

Mr. MARTIN of Colorado. Yes, sir.

Mr. TURNBULL. Is it necessary to have that army of employees there in order to protect the forest reserves?

Mr. MARTIN of Colorado. Does the gentleman mean to protect them from fires?

Mr. TURNBULL. From fires or anything else.

The CHAIRMAN. The time of the gentleman has expired.

Mr. MARTIN of Colorado. I will answer under the next item.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

Coeur d'Alene National Forest, Idaho, $15,239.

Mr. MARTIN of Colorado. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from Colorado [Mr. MARTIN] moves to strike out the last word.

Mr. MARTIN of Colorado. Now, the gentleman from Virginia [Mr. TURNBULL] asks me a question which I can not afford to let go unanswered, and that is, whether we want these reserves protected from fire. The only answer I can give to the gentleman is this——

Mr. TURNBULL. I will state to the gentleman that I do not know anything about these matters, and I ask merely for information.

Mr. MARTIN of Colorado. You can spend all the money you want to spend out there to protect those forest reserves from fire or anything else——

Mr. TURNBULL. My idea is that if there is nobody out there on those forest reserves, how can there be any fires on them except such as may be started by the people taking care of them?

Mr. MARTIN of Colorado. Well, there are people living on those forest lands, and living among them and traveling over them, and lightning also starts many fires. I can not be put in a position of asking you not to appropriate all the money you want to appropriate for this institution and then have the shortages charged up to me, and have the increases for use charged up to me for political and other purposes. I can not stand for that sort of a proposition.

I want you gentlemen to appropriate all the money you want to appropriate for these national forests, but I want to reemphasize the proposition that if the people in the West can pay the Government a rental for those lands, as they are now situated, and can live upon them besides, they can afford to own them, and the lands are capable of ownership. In the private ownership of the people they can pay taxes for all the purposes of our community life and our civilization. We will take the taxes out of these lands and we will build roads, and we will build bridges, and we will build pipe lines, and we will build telephones, and we will build highways, and we will build all the adjuncts and conveniences of civilization. But above all, Mr. Chairman, we will build up American homes. We will build up American communities. [Applause.] Instead of having the primeval wastes in the mountain places of the West, with the forest ranger riding over them, monarch of all he surveys, with authority to throw you in jail as a trespasser if he catches you doing without license one of a hundred things upon them, we will have a free American civilization there. [Applause.]

But awhile ago I started to refer to the case of the Hydro-Electric Co. Gentlemen, we are agreed on one thing. That little spit of land that the Government happens to own across that right of way is the merest pretext to hold up these people and compel them to pay a perpetual tax to the Government. There is no merit, there is no equity, in the contention of the Government. If that little spit of land was in private ownership that company could condemn a right of way through there, pay for it what a court said it was reasonably worth, and go ahead about its business. But what is the proposition of the Government? It is important, because it is the conservation policy that now underlies the attitude of the Government toward the people with reference to the public domain and its whole administration. The position of the Government is this: "For a right to go through that little spit of worthless mountain side we will charge you what will be equivalent to a tax on the entire business and profit of your whole plant." That is what they propose to do.

Mr. RUCKER of Colorado. And indirectly to make a charge for the use of the water, to which the Government has no title whatever.

Mr. MARTIN of Colorado. The Government does not own the water in our nonnavigable streams. They admit that. They admit that the water in the nonnavigable streams of the West belongs to the States.

The CHAIRMAN. The time of the gentleman from Colorado has expired.

Mr. MARTIN of Colorado. I will just ask for one more five minutes.

Mr. LEVER. I ask unanimous consent that the gentleman proceed for five minutes.

The CHAIRMAN. The gentleman from South Carolina asks unanimous consent that the gentleman from Colorado may be allowed to proceed for five minutes. Is there objection?

There was no objection.

Mr. MARTIN of Colorado. The proposition of the Government is this: "It is true we do not own the water in the stream, but we happen to own the land bordering the stream, land that is probably not worth farming. We happen to own the only desirable and available place along this stream anywhere to build a dam and reservoir and create power. Now, we will not let you buy this land. There is no price on it. You can not condemn or buy it. We will lease it to you for a period of years, and will not simply charge you a rental for that land, but we will impose a charge that will be equivalent to a tax upon the value of your plant and the proceeds of your entire business."

Mr. TAYLOR of Colorado. A royalty.

Mr. MARTIN of Colorado. That is the attitude of the Government in all these matters.

Mr. CANNON. If the gentleman will allow me, I trust the gentleman will not accuse the Government, because it may own a section here or a quarter section there, of blackmailing its own people.

Mr. RUCKER of Colorado. But it does.

Mr. MARTIN of Colorado. I want to say to the venerable ex-Speaker of the House that that is just exactly what I do charge the Government with, and the proof is right at hand, in the case of the Hydro-Electric Co. of California. It is the plainest case of a holdup that was ever exhibited to the eyes of the Representatives in Congress, and if there is anybody here who can disprove that showing the burden is on him. We do not have to prove anything in that case. We can just put the map before you and state the facts, and when we have done that we have made out a case that puts the burden of proof on your shoulders.

Mr. Chairman, I promised the gentleman in charge of this bill [Mr. LAMB] that I would not consume any more time now, and I will not. I may have a few things to say on the Hydro-Electric bill next Wednesday, or some other Calendar Wednesday, because, of course, I expect to see that little bill hold the boards on every Calendar Wednesday from now until Congress adjourns. That is just the feeling and the spirit there is about this matter. The gentleman from Texas [Mr. DIES] has already referred to the fact that that little bill has concerned all the crowned heads in the United States Government from the President down, and certainly a matter of that moment could not be expected to be disposed of in this Congress on Holy Wednesday in anything short of the next three months.

I suppose it will be a more celebrated case when we get through with it than the Weymouth Back River case, that took four Calendar Wednesdays to decide whether the Government should pay $10,000 or $15,000 of its share of an improvement that was being made solely for its own benefit.

But before the gavel falls I want, above all things, to deny the assertion that has been so often made that we of the West want this land for ourselves. I never exhausted a single Government right in my life, and I do not expect to; I do not own a foot of public domain, and do not expect to file on any. We in the public-lands States do not want these lands for ourselves; we want them for the people in your States; that is what we want the lands thrown open to settlement for. We want the people of Wisconsin, the people of Iowa, the people of Illinois, the people of Virginia, the people from the South, the North, and the East to come out and take these lands and make homes upon them.

Mr. LAMB. We are preserving this timber for all those people.

Mr. MARTIN of Colorado. Yes; you are preserving the timber for posterity.

Mr. LAMB. Those people and their posterity are the same thing.

The CHAIRMAN. The time of the gentleman from Colorado has expired. The pro forma amendment is withdrawn, and the Clerk will read.

The Clerk read as follows:

Colorado National Forest, Colo., $8,734.

Mr. SLOAN. Mr. Chairman, I move to strike out the last word. I desire to say that living on a lower level of this continent and subject more or less to the elevations of the State of Colorado, my State, as well as the rest of the Mississippi Valley, I believe, do not agree that this Government shall surrender its right of control of the splendid forestry to any State simply because it happens to exist within the borders of Colorado or any other State.

I resent as strongly as I can the statement made by the gentlemen against the splendid young men sent from Virginia, from Iowa, and New England by this Government to take care of our national forestry that has been in part despoiled heretofore, and would be further despoiled by the people who want to take it because they happen to live there. They want to take this forestry and pasture and not render unto the Government what it is entitled to. I insist that that forestry belongs to this great Government of ours, and because it happens to be within the borders of Colorado they have no more claim to it than the citizens of Rhode Island or any other State.

Mr. RUCKER of Colorado. Will the gentleman yield?

Mr. SLOAN. I will.

Mr. RUCKER of Colorado. I want to say that there are no quarantine laws in Colorado against the gentleman from Nebraska or any citizen of his State. The citizens of his State can come there and occupy these lands.

Mr. MARTIN of Colorado. We want them to come and take them up.

Mr. SLOAN. The gentleman says there are no quarantine laws; but because the Government has selected bright, intelligent young men from the universities to go out and look after the forest reserves and save them so that we can preserve them from climatic and weather conditions, as well as fire and blight, to which they are subject, they brand the foresters and superintendents as carpetbaggers. They are American citizens; they are bright young men, the best products of our universities and schools, and because they come from other States they are more liable to protect the forests from a national standpoint than if they were interested in the immediate vicinity; and it ill becomes gentlemen who happen to have forest reserves within their States to say we want the appropriation, but we are going to scold you for granting it.

Conservation in the American reserves, including forestry, to our people is a matter of considerable importance. It is a matter of considerable importance to the people of the Missouri and Mississippi Valleys and, for that matter, to every State in the Union. I hope further to discuss it at a future day. This Government is taking care of itself and taking care of its future when it says that the greed of any State shall not have control of the forestry future of our western country. [Applause.]

The CHAIRMAN. The pro forma amendment is withdrawn.

The Clerk read as follows:

Gila National Forest, N. Mex., $24,165.

Mr. MONDELL. Mr. Chairman, I move to strike out the last word. My eloquent friend from Nebraska [Mr. SLOAN] just suggested that we should not get excited over the matter of forest reserves. I do not think we should, yet I think sometimes the gentlemen who live in States where there are no forest reserves become quite as much excited in regard to reserve policies as we do. My very good friend, the very able gentleman from Wisconsin [Mr. MORSE], was very emphatic, as was my good friend from Nebraska. I think they both used the word because the people who live in the western country propose to use it. Gentlemen who live on great rivers and harbors, on which we have spent hundreds of millions of dollars, propose to use them, and they do not propose that anybody shall charge them for using them. Yet because, forsooth, the men who, in the face of difficulty, are trying to conquer the deserts and the mountains of the West are asking fair treatment we want to rob somebody of something that belongs to them or to their people.

Mr. Chairman, I have never defended any man who wanted to loot the public domain or slaughter the forests. The men whom I have spoken for are the men who have gone out and are trying to earn a livelihood and establish a home on the plains and in the mountains by hard, honest toil. They are the men who have suffered. Great grazing associations, great timber associations have not appealed to me for protection against any forest-reserve management that we have ever had. They have gotten along very well, I thank you.

I have objected to appropriations for forestry, that were larger than I believed they ought to be, not because I have any objection to spending of Government money in that western country, but because I know this, that if we appropriate three and four and five and six million annually, for this service, Congress is ultimately going to demand that a large portion of it shall be returned, and that being true, it is not strange that the Forestry Service should feel compelled to levy upon the industries upon and in the vicinity of the reserves, with a view of taxing them to secure revenues—industries that do not derive any benefit directly from the reserves. That is the tendency. We have a much better forest-reserve management now than we had a few years ago, and they are curing some things, but there are some things fundamentally incurable in any system of bureauocracy, as my friend from Colorado [Mr. MARTIN] has just stated. In my opinion, as I have stated here a number of times, the forest reserves in this country are for the present a necessary evil. They are not an unmixed good by any manner of means, but the probability is that it will be necessary, for a certain length of time at least, for the Federal Government to retain forest areas. In my opinion they will ultimately pass to the States, and they will pass to the States so logically that no one will ever think of objecting to it. You will finally get tired of spending these millions annually without any very considerable return. We speak of them as forest reserves. When you take into consideration the fact that the major portion of the income from these reserves to-day is not from the sale of timber, but from grazing——

Mr. MCLAUGHLIN. Oh, that is not true.

Mr. LAMB. The sale of timber is a heap more than from grazing.

Mr. MONDELL. I have not looked at the record this year. It is true of the past that the grazing receipts were more than all other receipts.

Mr. LEVER. The timber receipts are larger this year.

Mr. MONDELL. Then, for the first year in the history of the forest reserves, that is true, and I stand corrected.

Mr. LAMB. The timber receipts were $1,000,000 and the grazing $490,000, and the balance $76,000.

Mr. MONDELL. The grazing receipts for quite a number of years were larger than all other receipts.

Mr. GUERNSEY. Mr. Chairman, will the gentleman yield?

Mr. MONDELL. I have not the time. In the first place, Mr. Chairman, the reserves cover a great deal of territory which ought not to be included within them, and a great deal of the fault found with the reserves is because they were improvidently and improperly extended.

Mr. LAMB. That is right. We will admit that.

Mr. MONDELL. If we could eliminate the territory that ought not to be in the reserves, a great many of the present complaints would not be heard of. I hope that eventually they will be so limited. Ultimately the reserves will, I believe, pass to the States, and in the meantime I do hope that gentlemen will realize that we are not trying to loot the public domain or the reserves, but that we simply desire fair treatment.

Mr. DIES. Mr. Chairman, I move to strike out the last two words.

Mr. LAMB. Mr. Chairman, then I move that the committee rise.

Mr. DIES. Mr. Chairman, I do not think the gentleman has the floor; I think I have the floor.

The CHAIRMAN. The gentleman from Texas has the floor.

Mr. DIES. Mr. Chairman, I want to make a very little observation upon the ultraradicalism of the country at this particular time. I am not unaware, Mr. Chairman, we are solicitous to preserve the public domain after it has been dissipated, and that progressives and insurgents are manifesting unusual activity about the high cost of living. [Applause.] I would say, Mr. Chairman, as a common unostentatious country gentleman, that some reformation might be made in the high cost of living without going beyond the pale of ordinary common sense. For instance, we pay 50 cents a dozen for eggs——

Mr. MANN. Not now.

Mr. DIES. Or 30 cents now. I got 50 cents a dozen for my eggs last month. We pay now some 30 cents. I recommend to the insurgents of the Republican Party and the vociferous progressives in my own ranks this suggestion, that they give their hens a little more warm water and warm mash in the morning and provide them with closer quarters at the nighttime. I am not unmindful, Mr. Chairman, that the American

people who live in the country have moved to the cities, nor am I unmindful that a million from foreign shores each year flock to our country and gravitate to the centers of population. It is inevitable under these conditions that the price of living should grow greater all the while. For myself, I measure my words when I speak them, I hope that eggs will go to a dollar a dozen and wheat to $2 a bushel, because I believe that it is better for this Republic that some of the people who live in the cities should move back to the fresh air of the country than that those who live in the country should gravitate to the impure and suffocating air of the city.

You know I have not much patience with your Pinchots and your Republican insurgents and your Bryan and Roosevelt progressives in this country. I rather respect the honest and intelligent patriot who wants to move along steady and conservative lines. I believe, Mr. Chairman, that there have been no new lessons in free government since the Constitution was written. I believe that Mr. Madison and Mr. Hamilton and Mr. Jefferson, who had before them all the fateful lessons of the democracy of ancient times, were wiser than we to-day, and I believe Mr. Lincoln, who refused to appeal from the decision of the Supreme Court to the mob, as he stated in his Quincy speech he refused to appeal, was wiser than Mr. Roosevelt, who proposes to make that appeal. [Applause.] And I believe that Mr. Jefferson in his declaration that all of the despotic democracies of ancient times as exemplified in their elective despotism were wiser than Mr. Bryan when he seeks to overrule that declaration. Then I think, Mr. Chairman, that we might not become so hasty, we might not become so ultraconservative. Do you know that we go too far and to fast? The great forests of this country were made for the people who inhabit the country, and all because we wake up and find ourselves robbed of a major portion of them is no reason why we should be insensible and unsensible of the remaining portion of them.

The Clerk read as follows:

Inyo National Forest, California and Nevada, $8,839.

Mr. RAKER. Mr. Chairman, I move to strike out, on page 37, lines 3 and 4, the following words: "Eight thousand eight hundred and thirty-nine dollars" and substitute therefor the sum of "nine thousand five hundred and three dollars."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 37, lines 3 and 4, strike out the words "eight thousand eight hundred and thirty-nine dollars," and insert in lieu thereof "nine thousand five hundred and three dollars."

Mr. RAKER. Mr. Chairman, this amendment brings back the appropriation for this particular reserve to the same amount that it was in 1911. I want the committee now to mark the language I read from this letter. I made the statement a while ago that there was something like $35,000 taken from the western forests. There are 154. I will read:

In order to provide for protection and administration for lands acquired under the Weeks law, without increasing the total appropriation for the Forest Service, a deduction of $300 was made in the estimate for general expenses on each of the national forests.

Does that sound like there was a deduction? Does not that come mighty close to my statement? Three times 154 ought to be easily figured out. Why did you cut this out from the western national forests? It makes the handsome little sum of $46,200.

I am not going to make any complaint except this, that I believe in this particular forest it ought to remain the same as last year, and I hope the committee will permit it to remain.

Mr. LAMB. Mr. Chairman, I ask for a vote.

The CHAIRMAN. The question is on the amendment offered by the gentleman from California [Mr. RAKER].

The question was taken, and the amendment was rejected.

The Clerk read as follows:

Kootenai National Forest, Mont., $30,846.

Mr. DIES. I move to strike out the last word, for the purpose of making an observation to the House upon the progressive movement along the lines that are indicated in the amendment, and along other lines.

Mr. Chairman, I wish to bring to the attention of Congress and the country the recently expressed views of three gentlemen, each of whom is actively engaged in political propaganda and prominently in the public eye. From an examination of the political principles of these three statesmen I am led with irresistible force to the conclusion that here are three minds with a single thought, three hearts that beat as one. I refer, Mr. Chairman, to Mr. Theodore Roosevelt, Mr. W. J. Bryan, and Mr. VICTOR BERGER. I believe these gentlemen are among the foremost enemies of free government in America to-day. They are dangerous in proportion to their intellectual strength, which, in my judgment, constitutes Mr. Roosevelt more dangerous than Mr. Bryan, and the latter less dangerous than VICTOR BERGER.

Mr. Roosevelt recently delivered a speech at Columbus, Ohio, which he styles a charter of Democracy. Mr. Bryan hastens to place the stamp of his approval upon the worst part of the Roosevelt address. He says:

Ex-President Roosevelt's Columbus speech will stand out as the strongest he has yet delivered. The proposition to submit to the people judicial decisions on constitutional questions is of Democratic origin and is sound.

In order to come directly to an understanding of Mr. Bryan's views it is necessary to know what Mr. Roosevelt said at Columbus. Let us see what utterance it is of Roosevelt which Mr. Bryan accepts as sound Democratic doctrine. From the Columbus speech I take the following:

Lincoln actually applied in successful fashion the principle of the recall in the Dred Scott case. He denounced the Supreme Court for that iniquitous decision in language much stronger than I have ever used in criticizing any court and appealed to the people to recall the decision—the word recall in this connection was not then known, but the phrase exactly describes what he advocated. He was successful, the people took his view, and the decision was practically recalled. It became a dead letter without the need of any constitutional amendment. In any contest to-day where the people stand for justice and the courts do not, the man who supports the courts against the people is untrue to the memory of Lincoln, and shows that he is the spiritual heir not of the men who followed and supported Lincoln but of the Cotton Whigs who supported Chief Justice Taney and denounced Lincoln for attacking the courts and the Constitution.

In order to make it perfectly clear, Mr. Chairman, that Roosevelt advocates and Bryan approves an appeal from decisions of the Supreme Court of the United States, I quote from the Columbus utterance:

The position which these eminent lawyers take and applaud is of necessity a condemnation of Lincoln's whole life; for his great public career began and was throughout conditioned by his insistence in the Dred Scott case upon the fact that the American people were the masters and not the servants of even the highest court in the land, and were thereby the final interpreters of the Constitution. If the courts have the final say so on all legislative acts, and if no appeal can lie from them to the people, then they are the irresponsible masters of the people.

And again:

When a judge decides a constitutional question, when he decides what the people as a whole can or can not do, the people should have a right to recall that decision if they think it is wrong.

Mr. Chairman, I can not depart even momentarily from these statements without exposing their falsity of fact. It is but just to the sacred name of Lincoln to say that that great man never for a day in his life stood for the principles which Mr. Roosevelt announced. Mr. Lincoln came upon the theater of politics at a time when slavery was a burning question. At the height of its fury, upon the very eve of the impending conflict, the Supreme Court rendered a decision in the Dred Scott case which met a storm of applause in the South and a storm of condemnation at the North. But even in those disturbed times, when the country was in a flame of passion, Mr. Lincoln did not go to the Roosevelt extent. On the contrary, Mr. Lincoln stated that he did not propose to appeal from the decision of the court to the mob, and that he stood by the Constitution with unabated devotion. There is no more exalted example in all history of a man's devotion to the Constitution of his country than that exemplified in the person of Abraham Lincoln. Though utterly opposed to human slavery, he was yet so devoted to the Constitution that he favored a congressional fugitive-slave law to give force and effect to the barren rights of the slaveholding States under the Constitution. It is a shame, Mr. Chairman, for men like Roosevelt and Bryan to prostitute the sacred name and immortal memory of Lincoln to the uses of their seditious and socialistic heresies.

At Quincy, Ill., in 1858, Mr. Lincoln said in reference to the Dred Scott decision:

We do not propose that when Dred Scott has been decided to be a slave by the court we, as a mob, will decide him to be free. We do not propose that when any other one, or one thousand, shall be decided by that court to be slaves we will in any violent way disturb the rights of property thus settled; but we do, nevertheless, oppose that decision as a political rule, which shall be binding on the voter to vote for nobody who thinks wrong, which shall be binding on the Members of Congress or the President to favor no measure that does not actually concur with the principles of that decision. We do not propose to be bound by it as a political rule in that way, because we think it lays the foundation for spreading that evil into the States themselves. We propose so resisting it as to have it reversed if we can and a new judicial rule established upon this subject. I will add this: That if there be any man who does not believe that slavery is wrong in the three aspects which I have mentioned, or in any one of them, that man is misplaced and ought to leave us, while, on the other hand, if there be any man in the Republican Party who is impatient over the necessity springing from its actual presence, and is impatient of the constitutional guaranties thrown around it, and would act in disregard of these, he, too, is misplaced, standing with us. He will find his place somewhere else, for we have a due regard, so far as we are capable of understanding them, for all these things.

And again:

I suppose most of us (I know it of myself) believe that the people of the Southern States are entitled to a congressional fugitive-slave law; that is a right fixed in the Constitution. But it can not be made

available to them without congressional legislation. In the judge's language, it is a "barren right," which needs legislation before it can become efficient and valuable to the person to whom it is guaranteed. And as the right is constitutional, I agree that the legislation shall be granted to it, and that not that we like the institution of slavery. We profess to have no taste for running and catching negroes—at least I profess no taste for that job at all. Why, then, do I yield to a fugitive-slave law? Because I do not understand that the Constitution, which guarantees that right, can be supported without it.

Mr. Chairman, I must break the unity of my discourse at this juncture in order to bring upon the stage my third actor, the Hon. VICTOR BERGER, Socialist Representative from Milwaukee. My three actors, who perform in such admirable unison, should be presented in joint appearance for the presentation of their respective views. Mr. BERGER, I may say, yields to no man, living or dead, in his desire to disrupt the Constitution and destroy the liberties of the people under a representative democracy. In his desire for a reenactment of chaos and old night, Mr. BERGER is as earnest, if not as vociferous, as the lion tamer who roars from the peaks of Sagamore Hill.

BERGER recently introduced a civil pension bill, and, fearful lest his summary transfer of the earnings of one man to the uses of another might encounter opposition in the courts, he inserted in his bill as the last section the following:

SEC. 11. That in accord with paragraph 2, section 2, Article III, of the Constitution, and of the precedent established by the act passed over the President's veto March 27, 1868, the exercise of jurisdiction by any of the Federal courts upon the validity of this act is hereby expressly forbidden.

In order that the country may know precisely what Mr. BERGER is driving at, I may say that the act of March 27, 1868, to which he refers, was a repeal of the appellate jurisdiction of the Supreme Court of the United States in certain cases. The particular case which gave rise to the passage of the act was that of Ex parte McCardle. The facts of that case, together with the principle involved, will not only illuminate BERGER'S doctrine but will also aid in understanding the principles of Roosevelt and Bryan. McCardle was arrested in the State of Mississippi for a political offense during reconstruction days. He sued out a writ of habeas corpus, but was remanded to the custody of the military authorities. He appealed his case to the Supreme Court of the United States. Congress, in the then inflamed condition of the public mind, fearful that the Supreme Court would liberate McCardle, proceeded to take away from the court, by enactment, appellate jurisdiction of the case. The President promptly vetoed the bill, and Congress on the same day, with precipitate haste, passed the bill over the President's veto. Poor McCardle was a part of the vanquished and fallen minority. He sought to regain his liberty by an appeal to an impartial tribunal, but in the madness and fury of the times the representatives of the conquering majority recalled the jurisdiction of the Supreme Court of the United States and left McCardle to languish in custody.

Messrs. Roosevelt and Bryan believe in the unrestrained rule of the majority. But that is not the principles of the Democratic Party. It is not to be found among the doctrines of the Republican Party. Nowhere, sir, but in the principles of the Socialist Party can warrant be found for that damnable doctrine, which has careered mankind from liberty to despotism in every age of the world.

Mr. Chairman, I believe in majority rule, but like Washington, Jefferson, Jackson, and Lincoln, I know that majority rule, unrestrained by constitutional checks and limitations, is the most hateful, the most frightful, and the most appalling despotism which has ever oppressed the children of men. I am glad BERGER cited the McCardle case as an illustration of his purpose in seeking to strike down the courts. The people of my dear native land were the beaten and prostrate minority at the close of the Civil War. That great struggle unloosed all the fury and passion of civil combat. Many of our people believed that the victorious North would wreak unrestrained vengeance upon her fallen and helpless foe. So believing, many of our people expatriated themselves to foreign lands.

The reconstruction was, at best, a heartbreaking affair, but what would it have been, Mr. Chairman, but for the umpirage of the Supreme Court of the United States? Let us see. In the State of Missouri they wrote into their constitution that no person should vote, hold office, teach, preach, or engage in business who had sympathized with or in any way countenanced or aided those engaged in the rebellion. This law was made by the majority, in the hour of passion, in order to further crush the vanquished minority.

A preacher by the name of Cummings, who had sympathized with the South in the struggle, went right on preaching the gospel after the law was passed. He was arrested and convicted. He appealed his case to the Supreme Court of the United States, and that great bulwark of our liberties decided that the Missouri law was in violation of the Federal Constitution, which forbids ex post facto laws and bills of attainder.

Congress passed a law just after the war depriving lawyers of the right to practice their profession who had aided the South in the Rebellion. Judge Garland, who afterwards became Attorney General of the United States, had been identified with the southern cause. He challenged the power of Congress to take away his right to practice law. He laid his case before the Supreme Court of the United States, and that tribunal decided that the act of Congress was in violation of the Constitution. In the reconstruction period an effort was made to rob the school fund of Texas of a large amount of money represented in the bonds of the United States. Those who had secured physical possession of the property of the Texas school funds contended that Texas, having seceded from the Union, had thus incapacitated herself from recovering the fund. The Supreme Court decided the case in favor of Texas, and compelled a restoration of the school funds.

The Civil War set free millions of slaves and they were precipitately clothed with suffrage. Their former masters and the white people of the South were disfranchised in large numbers on account of participation in the War of Secession. The South lay prostrate, and white supremacy seemed destined to be supplanted by negro domination. The shattered remnants of southern manhood set about to restore the South to the rule of the white race. They did this in the face of an angry and victorious majority, and but for a written Constitution and an independent Supreme Court the southern cause would have been hopeless.

These, sir, are the plainly spoken truths of history. They are written in the decisions of the Supreme Court. No man can controvert them.

Mr. Chairman, passion has subsided. White supremacy in the South is as secure and unshakeable as the eternal hills, and our brothers at the North rejoice with us that it is so. They would not now have it different if they could.

To-morrow, sir, a helpless minority may be found in the North, the East, or the West. That helpless minority may consist of a section, a class, or a creed. It may be the members of organized labor, or the followers of an unpopular religious belief. But whatever it is, and wherever it may be found, it can rest secure in its rights so long as we possess a written Constitution and an independent judiciary to enforce it.

Those who are with the majority to-day may find themselves in a hopeless minority to-morrow, and in either situation they must feel their liberties more secure if safeguarded by checks and restraints from the passions and excitement of the hour.

Does any man doubt what the result would have been if an appeal to the people had been taken from the decisions of the Supreme Court sustaining the rights of the citizens of the Southern States just after the war? If those who now cry out for popular rule could have swept aside the Constitution and the Supreme Court in those dark days, what would have been the fate of the South? The consequences, sir, would have been an eternal blot upon the pages of our history.

Those who run before the crowd demanding that the "people rule" either mean nothing or they mean the majority should be allowed to rule without constitutional restraint.

They mean, if they mean anything except cheap demagogic cant, that the minority have no rights which the majority ought to be compelled by the written terms of a constitution to respect. Mr. Chairman, the people made the Constitution. They can unmake it. The people have ruled the United States since the execution of the Constitution, and they will continue to rule it to the crack of doom. They do not always rule it to please me, and I do not believe they always rule it in their own interests, but that they do actually rule it no statesman or thinker worthy the name will dare to deny.

If we are to turn away from the Republic of the Constitution and follow the false gods of Socialism, it matters little whether we do it under the flag of Roosevelt, calling himself a Republican; Bryan, calling himself a Democrat; or under BERGER, who sails the crazy ship of Socialism under its own true colors. But before we abandon our representative democracy, under the written Constitution of Washington, Hamilton, Jefferson, and Madison, let us take a closer view of the principles of the Socialist Party.

The first national platform promulgated by the Socialist Party in this country was in 1892, and in that platform was announced as a national doctrine many of the principles now advocated by those who demagogue under the specious and deceptive slogan of "Let the people rule."

In that first Socialist platform I find the following political demands:

First. The people to have the right to propose laws and to vote upon all measures of importance according to the referendum principle.

Second. All public officers to be subject to recall by their respective constituencies.

Third. Abolition of the Presidency, Vice Presidency, and the Senate of the United States.

An executive board to be established, whose members are to be elected, and may at any time be recalled by the House of Representatives as the only legislative body.

Such were the views of Socialism 20 years ago. That party has grown to be a great national force, with more than ten hundred thousand voters in its ranks, the control of many cities, and a representative in the National Congress. That representative is the Hon. VICTOR BERGER. Mr. BERGER understands the principles of Socialism better than any man in America. He is a Socialist author of national fame. I shall let him speak for Socialism through the bills he has introduced since he came to Congress. No fairer test can be conceived. These are the laws which Socialism would write upon the statute books if that party were in power.

On April 27, 1911, Mr. BERGER introduced a resolution (H. J. Res. 79) providing for an amendment of the Constitution to abolish the veto power of the President, and abolishing the Supreme Court and the Senate of the United States. This resolution proposed to constitute the House of Representatives the sole legislative power, whose enactments should be the supreme law without the right of the President to veto or any court to construe, subject only to referendum to the people upon petition of 5 per cent of the voters of three-fourths of the States.

On April 19, 1911, Mr. BERGER introduced House joint resolution 71, providing that—

The Congress shall have power, by a majority vote of both Houses, to call a convention for the purpose of revising or amending the Constitution.

The CHAIRMAN. The time of the gentleman has expired.

Mr. DIES. Mr. Chairman, for the first time in my life I ask unanimous consent to proceed for five minutes.

Mr. MANN. Reserving the right to object, will the gentleman from Virginia [Mr. LAMB] move to rise?

Mr. RUBEY. Mr. Chairman, I suggest that the committee rise and take a recess until 7.30 p. m., at which time the gentleman from Texas [Mr. DIES] be given all the time he wants.

The CHAIRMAN. The Chair will state to the gentleman from Missouri [Mr. RUBEY] that a motion to recess is not in order at this time.

Mr. RAKER. Mr. Chairman, I make a point of order on the suggestion of the gentleman. To-night there is a birthday party to be held in honor of the Speaker, Mr. CHAMP CLARK, and I want to attend. [Applause.]

The CHAIRMAN. The motion to recess is not in order. The gentleman from Texas [Mr. DIES] asks unanimous consent to continue for five minutes. Is there objection?

There was no objection.

Mr. DIES. Mr. Chairman, on January 16, 1912, Mr. BERGER introduced House joint resolution 213, providing for female suffrage.

On January 9, 1912, Mr. BERGER introduced House bill 17476, providing that the Government should establish in the city of Washington stores for the sale at cost of staple commodities to all employees of the Federal Government.

On January 31, 1912, Mr. BERGER introduced House bill 19126, providing for the Government ownership of all railroad, telegraph, telephone, and express properties in the United States. This bill proposes to condemn the physical properties of these corporations and confiscate their intangible assets. The bill also provides that Government bonds shall be issued to pay for the property not confiscated, and that in case the owners refuse to surrender the property the Government shall take it by force.

On December 6, 1911, Mr. BERGER introduced House bill 14079, providing for Government ownership and operation of all industries in the United States where such industries produced 40 per cent or more of the total in that line of industry. This bill also provided for the issuance of Government bonds to pay for such properties as were not confiscated by the terms of the bill.

On April 25, 1911, Mr. BERGER introduced House concurrent resolution 6, and May 30, 1911, he introduced House bill 10863, and as these two measures were introduced for the same purpose they should be treated as one proposition. Their purpose was to save from the clutches of the law the McNamara brothers and others who might thereafter find themselves similarly in the toils of the law. The McNamara brothers had dynamited the house of a man they did not like, and in the explosion 21 innocent workingmen had been murdered. Mr. BERGER'S bills proposed such amendment of the law as would protect these murderers, who afterwards confessed their crimes, from speedy punishment.

As illustrative of the principles of Socialism and of Mr. BERGER'S bills to shield the McNamara brothers, I want to quote from an article in the Appeal to Reason, the organ of the Socialist Party. It was written by Eugene Debs, the Socialist candidate for President. It appeared before the "kidnaped workers" confessed to murder, when the campaign was on in the State of California. It sheds a flood of light upon the so-called campaign for "the restoration of popular government."

The quotation is in these words:

The fight at the polls this fall will center around the adoption of the initiative, referendum, and recall amendments to the Constitution. Under the provision of the recall amendment the judges of the Supreme Court of California can be retired. These are men who will decide the fate of the kidnaped workers. Don't you see what it means, comrades, to have in the hands of an intelligent, militant working class the political power to recall the present capitalist judges and put on the bench our own men? Was there ever such an opportunity for effective work? No; not since Socialism first raised its crimson banner on the shores of Morgan's country. The election for governor and State officers of California does not occur till 1914; but with the recall at our command we can put our own men in office without waiting for a regular election.

Space forbids me to describe all the BERGER bills, but as illustrating the Socialistic interpretation of the doctrine of "equal rights to all and special privileges to none" when applied to a Socialist in office, I call attention to House bill 11382, introduced by Mr. BERGER June 8, 1911. That measure, to use its own words, was—

A bill to provide an automobile for the official use of the Committee on the District of Columbia.

I need not add that Mr. BERGER was a member of that committee at the time he introduced the bill.

Mr. Roosevelt professes not to be a Socialist, and yet he has borrowed his creed from the Socialist Party. Nowhere, sir, in the platforms of the Republican or the Democratic Party can be found the doctrine which Roosevelt proclaims and Bryan approves. Mr. Bryan is much truer to the principles of socialism than Roosevelt. Bryan has openly declared for the Government ownership of railroads and has openly embraced many of the principles of socialism. Roosevelt, on the contrary, contorts the socialistic terminology, plagiarizes its principles, and proclaims them as his very own. Roosevelt seeks to walk in the path the Cæsars trod. Mr. Bryan will be content with a million new subscribers for his newspaper. Roosevelt wants to emulate the bad example of Diaz, of Mexico, and break down the constitutional barriers against presidential succession.

Mr. Bryan gives aid and comfort to Roosevelt as against the Democratic Party, which seeks to reincarnate the deathless principles of Washington, Jefferson, Madison, Jackson, and Houston. Those principles of democracy are written in the Constitution, and for them Mr. Bryan offers no word of encouragement.

Mr. Chairman, I want to turn aside from socialism and present a view of representative democracy under the Constitution. We had as well face the issue squarely. The representative Government established by the founders is on trial for its life. Socialism, whether plagiarized by Roosevelt, rebranded by Bryan, or unadulterated by BERGER, is at last and in the final analysis before the American people as a substitute for our form of government. In this conflict which shall determine the destiny of the world's remaining Republic, I gladly step into the ranks of those who shall defend the faith of the fathers.

Those great minds that conceived the Constitution were profoundly learned in the history of the world. They were familiar with the attempts that mankind had made in every age to maintain free government. They knew that these efforts had all proven failures. They knew why they had failed. Profiting by the mistakes of the past, our fathers erected this structure under the Constitution. It is not perfect. It was not perfect at the time it was erected. No perfect thing can ever proceed from the hand of imperfect man. But I do say, and every page of history sustains me, that this Government under the Constitution is far and away the best that the world has ever known. It guarantees more liberty, affords more opportunity, safeguards more rights, and admits of more progress than any Government, ancient or modern, which the children of men have ever devised. The fathers had before them in their work of formation the history of pure democracy as tried by the ancients. They perfectly knew this history. They had read with attentive mind the pathetic story of the Grecian Republic, the Republic of Rome, the Italian and Dutch Republics. All had failed.

Our fathers, careful to steer the American Republic around the rocks upon which other free governments had gone to chaos and despotism, after long, patient, and profound effort, brought forth this wonderful fabric. Our Republic has been the star of hope to the oppressed nations of the earth and the guide and pattern of all modern efforts to establish free governments.

There is not, Mr. Chairman, a single principle proposed by socialism which was not given a trial in some one of the ancient democracies and proven a hopeless and utter failure. And there has been no modern examples of republican governments from which those who propose the destruction of our Republic can draw a single lesson. The founders had it all before them.

Mr. Roosevelt and Mr. BERGER have discovered nothing new in their doctrine of the recall. Its practice and prostitution form a familiar page in the history of the pure democracies of ancient times. With that ancient device Aristides the Just was driven from power, and history informs us that there were those who gave no better excuse for their votes than that they were tired of hearing him called "the just."

I know, Mr. Chairman, that these ancient nostrums, so long ago exploded and forgotten, are just as worthless as they were in the days of their trial and failure. They are dragged forth to-day by men who seek to convert them into political assets in furtherance of their own mad ambition.

Against these worn-out cure-alls and the office seekers who seek to drag them from their dishonored tombs and set them up as a substitute for our great fabric I set the warning of Madison, called the father of the Constitution:

> A people, therefore, who are so happy as to possess the inestimable blessings of a free and defined constitution can not be too watchful against the introduction nor too critical in tracing the consequences of new principles and new constructions that may remove the landmarks of power.

I do not believe with Mr. Roosevelt that popular rule will result from striking down an independent judiciary. Nor do I believe with Mr. Bryan that popular government will be made more popular by stripping the Executive of his constitutional powers. No more do I believe with Mr. BERGER that all power should be lodged in the hands of the lower House of Congress. But I do believe, Mr. Chairman—and all that there is in history confirms my belief—that the authors of the Constitution were wise and truthful in the statement that—

> The accumulation of all powers, legislative, executive, and judiciary, in the same hands, whether of one, a few, or many, and whether hereditary, self-appointed, or elective, may justly be pronounced the very definition of tyranny.

I understand perfectly well, Mr. Chairman, that it is vain and unprofitable to attempt to correct the follies of Roosevelt with the authority of mere men. To his imperious mind, the generalship of Washington was provincial, Jefferson was a demagogue, Madison was a bookworm, and Andrew Jackson an upstart. But Mr. Bryan professes faith in the wisdom of Madison and Jefferson, though he follows not their counsels, and to him I commend their teachings. Mr. Madison, in discussing pure democracy as distinguished from representative government, which he helped to establish under the Constitution, said:

> In a democracy where a multitude of people exercise in person the legislative functions, and are continually exposed by their incapacity for regular deliberation and concerted measures to the ambitious intrigues of their executive magistrates, tyranny may well be apprehended on some favorable emergency to start up in the same quarter.

At the time Mr. Madison penned these words he believed himself a progressive. He supposed that the reactionaries were those who wanted to turn back to the exploded theories of a pure democracy. But if Mr. Madison were alive to-day and were to give voice to these views he would be branded by Roosevelt as a Cotton Whig, and by Bryan and BERGER as "unworthy to represent a democratic constituency."

An elective despotism—

Said Mr. Jefferson—

> was not the government we fought for, but one which should not only be founded on free principles, but in which the powers of government should be so divided and balanced among several bodies of magistracy as that no one could transcend their legal limits without being effectually checked and restrained by the others. For this reason that convention which passed the ordinance of government, laid its foundation on this basis, that the legislative, executive, and judiciary departments should be separate and distinct, so that no person should exercise the powers of more than one of them at the same time.

But the principles of the author of the Declaration of Independence will no longer fit the views of Roosevelt, Bryan, and BERGER, and his reference to an "elective despotism" places him at once under suspicion as being controlled by predatory interests.

In the view of Mr. Roosevelt, mankind fall into two classes, those who follow him and those who are unrighteous. With Mr. Bryan, those who are not his followers are of necessity the followers of Wall Street. And with BERGER, in the same sort, it is a case of being a Socialist or being against the human family.

The mind is confused with a sense of humor and disgust when it contemplates the Rooseveltian conception of popular rule. He wants a short ballot, so short, in fact, that he himself will constitute both head and tail of it. The effect of his doctrine is that he will trust the people to elect him if they will trust him to appoint the balance of the ticket. Bryan says that Roosevelt, "in taking this position, is on solid ground."

But do these great reformers trust the people?

Recently the country rang with a mixture of praise and condemnation of the Sherwood pension bill. But neither Roosevelt or Bryan would sufficiently trust the people to express an opinion upon the question.

Mr. Bryan is eternally admonishing other men to "trust the people," and yet he does not trust them sufficiently to inform them who he favors for President. Mr. Roosevelt does not trust the people sufficiently to tell them what his views are on the tariff question.

The question of popular rule is vitally intermixed with the immigration question. Millions of the ignorant and undesirable of Europe are swarming to our shores. Neither Roosevelt nor Bryan are willing to trust the people with their views upon this alarming situation.

Mr. Bryan has only praise for Roosevelt and only condemnation for Democratic leaders like CLARK, Harmon, and UNDERWOOD. This is probably due to the fact that Roosevelt is a candidate for everything in sight, excepting only the Democratic nomination.

Mr. Roosevelt readily vouches for the patriotism of Mr. Bryan, although he has not a word of cheer for his friend, the man he selected as his successor. This also is probably due to the fact that Mr. Bryan is not, at least, seeking the Republican nomination.

In every age of the world, Mr. Chairman, the enemies of real progress have been divisible into two classes. In the first are those who refuse to take a step forward. In modern times this class has come to be known as "standpatters." In the second class are those who believe or pretend to believe that if a cause can walk it can run, and if it can run it can fly. They are the mustang ponies in the caravan of progress, who kick while others are pulling and try to run away the moment the load starts.

Mr. Chairman, it is proposed that the socialistic tendencies of BERGER should be substituted for the democracy of Jefferson and Hamilton and Madison and Washington. Mr. Chairman, the battle is on. I do not care whether you call yourself a Republican or a Democrat. I do not care whether you sail under the socialistic banner of Roosevelt, who proposes to destroy an independent judiciary, or whether you sail under the socialistic banner of Bryan, who proposes a surrender of the old Democratic principles. Still, it is true that, face to face and man to man in this Republic, we stand upon the proposition to-day, Shall we surrender a representative democracy under the Constitution for the socialism of Roosevelt, Bryan, and BERGER?

Mr. Chairman, in view of the fact that our fathers, when they made the Constitution, had before them all of the examples of failure of free government in ancient times, and in view of the fact that Mr. Roosevelt, Mr. Bryan, and Mr. BERGER have discovered no new examples in modern times, I shall gladly take my place in the ranks of the sober defenders of the Constitution of our country against the Roosevelts and against the Bryans and against the Bergers and against the McNamaras, who rise to strike down the law and the limitations and restrictions provided in the Constitution of this United States of America. [Applause.]

I neither propose to hold back like the stolid ox nor lunge against the traces like a grass-fed mustang. I am for the steady pull that spells movement, rather than those fitful jerks which result only in broken harness.

I know, Mr. Chairman, that there are vexing problems confronting the Congress and the Nation. I know that it will require sustained public opinion and courageous statesmanship to solve these problems. I am as certain as I live that every wise reform can be worked out under a representative democracy and the written Constitution of the founders. And to these sound and enduring principles of truth I appeal from the madness and folly of the hour and from the false and foolish leaders who would steer the ship of state upon the shifting and treacherous sands of socialism. [Applause.]

Mr. LAMB. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. BORLAND, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill (H. R. 18960) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1913, and had come to no resolution thereon.

MINORITY REPORT, SUGAR SCHEDULE.

Mr. FORDNEY. Mr. Speaker, I wish to file a minority report on the sugar bill, and ask unanimous consent that it be printed along with the majority report (H. Rept. 391, pt. 2).

The SPEAKER. The gentleman from Michigan [Mr. FORDNEY] files a minority report on the sugar bill, and asks unanimous consent that it be printed with the majority report. Is there objection? [After a pause.] The Chair hears none, and it is so ordered.

EXTENSION OF REMARKS.

Mr. DIES. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD.

The SPEAKER. The gentleman from Texas [Mr. DIES] asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

Mr. RAKER. Mr. Speaker, I would like to ask unanimous consent to revise and extend my remarks on the hydro-electric bill, delivered yesterday.

The SPEAKER. The gentleman from California [Mr. RAKER] asks unanimous consent to revise and extend his remarks in the RECORD. Is there objection?

There was no objection.

MILITARY RESERVATION, CAMP SCHOFIELD, HAWAIIAN ISLANDS (H. DOC. NO. 600).

Mr. FITZGERALD. Mr. Speaker, I ask unanimous consent to have printed as a House document a certain communication received from the War Department concerning the military reservation at Camp Schofield, in the Hawaiian Islands, and have it referred to the Committee on Appropriations.

The SPEAKER. The gentleman from New York [Mr. FITZGERALD] asks unanimous consent to have printed and referred to the Committee on Appropriations a communication from the War Department concerning the military reservation at Camp Schofield, Hawaiian Islands. Is there objection? [After a pause.] The Chair hears none, and it is so ordered.

LEAVE OF ABSENCE.

Mr. PUJO, by unanimous consent, obtained leave of absence for 10 days, on account of illness in his family.

ENROLLED BILL SIGNED.

The SPEAKER announced his signature to enrolled bill of the following title:

S. 2004. An act to amend section 1505 of the Revised Statutes of the United States, providing for the suspension from promotion of officers of the Navy if not professionally qualified.

ADJOURNMENT.

Mr. LAMB. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 49 minutes p. m.) the House adjourned until to-morrow, Friday, March 8, 1912, at 12 o'clock noon.

EXECUTIVE COMMUNICATION.

Under clause 2 of Rule XXIV, a letter from the Acting Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination and survey of Manistee Harbor, Mich. (H. Doc. No. 599), was taken from the Speaker's table, referred to the Committee on Rivers and Harbors, and ordered to be printed, with illustrations.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,

Mr. RAKER, from the Committee on the Public Lands, to which was referred the bill (H. R. 12211) to amend the act of February 18, 1909 (35 Stat. L., p. 626), entitled "An act to create the Calaveras Big Tree National Forest, and for other purposes," reported the same with amendment, accompanied by a report (No. 397), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,

Mr. RUCKER of Colorado, from the Committee on Pensions, to which was referred sundry bills of the House, reported in lieu thereof the bill (H. R. 21478) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors, accompanied by a report (No. 396), which said bill and report were referred to the Private Calendar.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, the Committee on Pensions was discharged from the consideration of the bill (H. R. 20513) granting an increase of pension to John O'Mara, and the same was referred to the Committee on Invalid Pensions.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. SPARKMAN: A bill (H. R. 21477) making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes; to the Committee of the Whole House on the state of the Union.

By Mr. SULZER: A bill (H. R. 21479) appropriating money to enable the President to propose and invite foreign governments to participate in an international conference to promote an international inquiry into the causes of the high cost of living throughout the world and to enable the United States to participate in said conference; to the Committee on Foreign Affairs.

Also, a bill (H. R. 21480) to establish a standard barrel and standard grades for apples when packed in barrels, and for other purposes; to the Committee on Coinage, Weights, and Measures.

By Mr. SMALL: A bill (H. R. 21481) providing for the sale of the old Marine Hospital site at Ocracoke, N. C.; to the Committee on Public Buildings and Grounds.

By Mr. LAFEAN: A bill (H. R. 21482) authorizing the Secretary of the Treasury to sell the old post-office building and the site thereof at York, Pa.; to the Committee on Public Buildings and Grounds.

By Mr. HAMILTON of West Virginia: A bill (H. R. 21483) authorizing the Secretary of War to donate to the Grand Army Post of Elizabeth, W. Va., two bronze or brass fieldpieces; to the Committee on Military Affairs.

By Mr. DUPRÉ: A bill (H. R. 21484) to construct and place lightships at South Pass and South West Pass, in the State of Louisiana; to the Committee on Interstate and Foreign Commerce.

By Mr. LEGARE: A bill (H. R. 21485) for the erection of a monument to the memory of Queen Isabella; to the Committee on the Library.

By Mr. MOON of Pennsylvania: A bill (H. R. 21486) to regulate the granting of restraining orders and injunctions; to the Committee on the Judiciary.

By Mr. HANNA: A bill (H. R. 21487) to make Bismarck, N. Dak., a subport of entry in the customs collection district of North and South Dakota, and extending thereto the privileges of the seventh section of the act of June 10, 1880; to the Committee on Ways and Means.

By Mr. LOBECK: A bill (H. R. 21488) providing for an appropriation of $100,000 for the purchase and distribution of field and garden seeds in the Western, Southwestern, and Northwestern States; to the Committee on Agriculture.

By Mr. BURNETT: A bill (H. R. 21489) to amend the immigration law relative to alien seamen and stowaways; to the Committee on Immigration and Naturalization.

By Mr. WILSON of Pennsylvania: A bill (H. R. 21490) to cooperate with the States in encouraging instruction in agriculture, the trades and industries, and home economics in secondary schools; in preparing teachers for these vocational courses in State colleges of agriculture and the mechanic arts; in maintaining instruction in these vocational subjects in State normal schools; in maintaining extension departments in State colleges of agriculture and mechanic arts; and to appropriate money and regulate its expenditure; to the Committee on Agriculture.

By Mr. ADAMSON: Resolution (H. Res. 441) to print 800 copies of Panama Canal Hearings Nos. 1, 2, and 3 before the Committee on Interstate and Foreign Commerce; to the Committee on Printing.

By Mr. NYE: Resolution (H. Res. 442), making public acknowledgment of the services of Capt. John Ericsson; to the Committee on Naval Affairs.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. RUCKER of Colorado: A bill (H. R. 21478) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy and certain soldiers and sailors of wars other than the Civil War and to widows of such soldiers and sailors; to the Committee of the Whole House.

By Mr. AYRES: A bill (H. R. 21491) granting an increase of pension to Anna E. R. Webb; to the Committee on Invalid Pensions.

By Mr. BARNHART: A bill (H. R. 21492) for the relief of Nelson N. Boydston; to the Committee on War Claims.

By Mr. BEALL of Texas: A bill (H. R. 21493) for the relief of the heirs at law of J. B. and Lettie Buchanan; to the Committee on War Claims.

By Mr. BORLAND: A bill (H. R. 21494) for the relief of the Hurst Produce Co., of Kansas City, Mo.; to the Committee on Claims.

By Mr. BOWMAN: A bill (H. R. 21495) granting a pension to Isabelle Dodson; to the Committee on Invalid Pensions.

Also, a bill (H. R. 21496) granting an increase of pension to Charles Morrow; to the Committee on Invalid Pensions.

By Mr. BROWN: A bill (H. R. 21497) for the relief of Joseph B. Darlington; to the Committee on War Claims.

Also, a bill (H. R. 21498) for the relief of A. J. Collett, administrator of the estate of Thomas Collett, deceased; to the Committee on Military Affairs.

By Mr. CALDER: A bill (H. R. 21499) to amend the military record of George W. Bryant; to the Committee on Military Affairs.

By Mr. COX of Ohio: A bill (H. R. 21500) granting an increase of pension to Lucy J. Wells; to the Committee on Invalid Pensions.

By Mr. CRAGO: A bill (H. R. 21501) granting a pension to Josephine E. Beach; to the Committee on Invalid Pensions.

Also, a bill (H. R. 21502) granting a pension to James Bishop; to the Committee on Pensions.

By Mr. CULLOP: A bill (H. R. 21503) granting an increase of pension to James M. Lewis; to the Committee on Invalid Pensions.

Also, a bill (H. R. 21504) granting an increase of pension to John T. Lisman; to the Committee on Invalid Pensions.

By Mr. EDWARDS: A bill (H. R. 21505) for the relief of the heirs of B. B. Gay; to the Committee on War Claims.

By Mr. FIELDS: A bill (H. R. 21506) granting an increase of pension to James A. Hill; to the Committee on Invalid Pensions.

By Mr. FINLEY: A bill (H. R. 21507) granting a pension to Lula Blaine Hicklin; to the Committee on Pensions.

By Mr. FRANCIS: A bill (H. R. 21508) granting an increase of pension to Charles A. Webb; to the Committee on Invalid Pensions.

By Mr. GRIEST: A bill (H. R. 21509) granting a pension to George Grove; to the Committee on Invalid Pensions.

By Mr. HARRISON of New York: A bill (H. R. 21510) for the relief of Louis Greenbaum; to the Committee on Claims.

By Mr. HEALD: A bill (H. R. 21511) granting a pension to Mary C. Hirst; to the Committee on Invalid Pensions.

Also, a bill (H. R. 21512) granting an increase of pension to Henry S. Davis; to the Committee on Invalid Pensions.

Also, a bill (H. R. 21513) granting an increase of pension to Joseph Hampton; to the Committee on Invalid Pensions.

By Mr. LITTLEPAGE: A bill (H. R. 21514) granting an increase of pension to John C. Legg; to the Committee on Invalid Pensions.

By Mr. MARTIN of Colorado: A bill (H. R. 21515) for the relief of the city of Pueblo; to the Committee on Claims.

By Mr. MOON of Tennessee: A bill (H. R. 21516) granting an increase of pension to George W. Thomas; to the Committee on Invalid Pensions.

Also, a bill (H. R. 21517) granting a pension to Walter P. Norris; to the Committee on Pensions.

By Mr. McGUIRE of Oklahoma: A bill (H. R. 21518) granting a pension to Hattie I. Priest; to the Committee on Invalid Pensions.

By Mr. POST: A bill (H. R. 21519) granting an increase of pension to McPherson Bechtel; to the Committee on Invalid Pensions.

Also, a bill (H. R. 21520) granting an increase of pension to J. H. Sellars; to the Committee on Invalid Pensions.

Also, a bill (H. R. 21521) granting an increase of pension to James H. Estey; to the Committee on Invalid Pensions.

Also, a bill (H. R. 21522) to remove the charge of desertion from the record of J. B. Colbert; to the Committee on Military Affairs.

By Mr. PRINCE: A bill (H. R. 21523) granting a pension to Rebecca Wright; to the Committee on Invalid Pensions.

Also, a bill (H. R. 21524) to correct the military record of Frederick H. Ferris; to the Committee on Military Affairs.

By Mr. ROBINSON: A bill (H. R. 21525) for the relief of the heirs of Dr. J. S. Morton, deceased; to the Committee on War Claims.

By Mr. SLAYDEN (by request): A bill (H. R. 21526) for the relief of H. J. Randolph Hemming; to the Committee on Claims.

By Mr. TALBOTT of Maryland: A bill (H. R. 21527) granting a pension to Savilla Heikenborn; to the Committee on Invalid Pensions.

Also, a bill (H. R. 21528) for the relief of the heirs of Thomas J. Benson, deceased; to the Committee on War Claims.

By Mr. VREELAND: A bill (H. R. 21529) to correct the military record of Nelson T. Saunders; to the Committee on Military Affairs.

By Mr. WILSON of New York: A bill (H. R. 21530) for the relief of Frank Bowers; to the Committee on Claims.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER: Petitions of churches and citizens of Grant City, Mo., for enactment of Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary.

Also, memorial of Department of the Potomac, Grand Army of the Republic, relative to purchase of the Oldroyd collection of Lincoln relics; to the Committee on Public Buildings and Grounds.

Also, memorial of Polish Citizens' Improvement Club, protesting against illiteracy provision in proposed immigration legislation; to the Committee on Immigration and Naturalization.

By Mr. ANDERSON of Minnesota: Petition of Anthony Anderson and others, of Whalan, Minn., against parcel-post legislation; to the Committee on the Post Office and Post Roads.

By Mr. ASHBROOK: Petition of Monroe Grange, of Blissfield, Ohio, asking for the enactment of the parcel-post service; to the Committee on the Post Office and Post Roads.

Also, petition of Rev. Cliff Kaser and 55 other citizens of Clark, Ohio, in opposition to the enactment of House bill 9433, for the observance of Sunday in post offices; to the Committee on the Post Office and Post Roads.

Also, petition of Howard H. Harlow, of New Philadelphia, Ohio, asking for the passage of House bill 2281, removing the duty on oleomargarine; to the Committee on Agriculture.

By Mr. BARNHART: Petition of members of the Improved Order of Red Men, thirteenth congressional district of Indiana, for an American Indian memorial and museum building in the city of Washington, D. C.; to the Committee on Public Buildings and Grounds.

Also, petition of citizens of the State of Indiana, protesting against parcel-post legislation; to the Committee on the Post Office and Post Roads.

Also, petition of citizens of South Bend, Ind., asking that the tax on oleomargarine be reduced; to the Committee on Agriculture.

By Mr. BEALL of Texas: Papers to accompany bill for the relief of heirs of J. B. and Lettie Buchanan, deceased; to the Committee on War Claims.

By Mr. BOWMAN: Petition of J. G. Bell and other citizens of Freeland, Pa., for enactment of House bill 16819; to the Committee on the Post Office and Post Roads.

Also, petition of George P. Steinhauer, of Wilkes-Barre, Pa., favoring the passage of House bill 1343; to the Committee on Immigration and Naturalization.

Also, petition of M. S. Crossman, of Wyoming, Pa., favoring House bill 1343; to the Committee on Immigration and Naturalization.

Also, petition of St. John's Primitive Methodist Church, Hazleton, Pa., favoring the passage of the Kenyon-Sheppard interstate-commerce liquor bill; to the Committee on the Judiciary.

Also, petition of Consistory Emanuel Reformed Church of Hazleton, Pa., favoring the speedy passage of the Kenyon-Sheppard interstate-commerce liquor bill; to the Committee on the Judiciary.

Also, petition of Franklin Walp, of Pond Hill, Pa., favoring House bill 1343; to the Committee on Immigration and Naturalization.

Also, petition of citizens of the State of Pennsylvania, favoring the building of one battleship in a Government navy yard; to the Committee on Naval Affairs.

Also, petition of A. B. Brown, of Pittston, Pa., protesting against the Dillingham immigration bill; to the Committee on Immigration and Naturalization.

Also, petition of C. Bruce Freas, of Sugar Notch, Pa., favoring House bill 1343; to the Committee on Immigration and Naturalization.

By Mr. BURKE of South Dakota: Petitions of citizens of the State of South Dakota, for passage of Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary.

By Mr. CALDER: Petition of Capron Camp, No. 22, Department of the State of New York, United Spanish War Veterans, of Brooklyn, N. Y., favoring House bill 17470, introduced by Mr. CRAGO; to the Committee on Pensions.

By Mr. CARY: Petition of the Woman's Christian Temperance Union of Wauwatosa, Wis., for enactment of Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary.

By Mr. CLARK of Florida: Petition of Baker & Holmes Co., of Jacksonville, Fla., in opposition to parcel-post legislation; to the Committee on the Post Office and Post Roads.

By Mr. CRAGO: Petition of the Woman's Christian Temperance Union of Belle Vernon, Pa., for passage of Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary.

Also, petitions of citizens of Fayette City, Pa., for enactment of the George taxation bill for the District of Columbia; to the Committee on the District of Columbia.

By Mr. DALZELL: Petition of United Presbyterian Church of Mount Washington, Pittsburgh, Pa., for passage of Kenyon-Sheppard bill; to the Committee on the Judiciary.

Also, petition of First Presbyterian Church of Wilmerding, Pa., favoring the passage of the Kenyon-Sheppard interstate liquor bill to remove the Federal shield of interstate commerce from liquors shipped into any State for illegal use; to the Committee on the Judiciary.

By Mr. DANIEL A. DRISCOLL: Memorial of Short Line Railroad Association, relative to railway mail transportation; to the Committee on the Post Office and Post Roads.

Also, memorial of United Trade and Labor Council of Erie County, indorsing House bill 11372; to the Committee on the Merchant Marine and Fisheries.

Also, petitions of Catholic societies in the State of New York, in regard to measures relating to Catholic Indian mission interests; to the Committee on Indian Affairs.

Also, petition of citizens of Syracuse, N. Y., for passage of Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary.

By Mr. DWIGHT: Petitions of Woman's Christian Temperance Unions of Groton and Newfield, N. Y., for passage of Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary.

By Mr. FINLEY: Petition of Lula Blain Hicklin, for a pension; to the Committee on Pensions.

By Mr. FOSS: Petition of a Catholic society of the State of Massachusetts, in regard to measures relating to Catholic Indian mission interests; to the Committee on Indian Affairs.

By Mr. FOSTER of Illinois: Petition of Lee Wilson and 8 other citizens of Olney, Ill., growers and dealers in fruit, favoring House bill 17936, to establish standard packages and grades for apples; to the Committee on Coinage, Weights, and Measures.

Also, petition of Local No. 383, Farmers' Educational and Cooperative Union of America, of Wabash County, Ill., favoring a general parcel post; to the Committee on the Post Office and Post Roads.

By Mr. FRANCIS: Petitions of Tacoma Woman's Christian Temperance Union, of Tacoma, Belmont County, Ohio, favoring the passage of the Kenyon-Sheppard interstate commerce liquor bill; to the Committee on the Judiciary.

Also, petition of Bloomingdale Grange, No. 1629, of Bloomingdale, Ohio, representing about 100 families, favoring a general parcel post; to the Committee on the Post Office and Post Roads.

Also, petition of Frank R. Barr, of Martins Ferry, Ohio, and other members of Junior Order United American Mechanics, of Martins Ferry, Ohio, favoring the Burnett immigration bill; to the Committee on Immigration and Naturalization.

By Mr. FULLER: Petition of the Retail Merchants' Association of Illinois, favoring 1-cent letter postage; to the Committee on the Post Office and Post Roads.

Also, petition of National Mirror Works, of Rockford, Ill., against the passage of the Underwood bill (H. R. 20182) relating to the chemical schedule; to the Committee on Ways and Means.

Also, petition of Ben R. Hall, department commander United Spanish War Veterans, of Streator, Ill., favoring the passage of House bill 17470, to pension widows of veterans of the Spanish War; to the Committee on Pensions.

Also, petition of Ottawa Trades and Labor Assembly, of Ottawa, Ill., against enlisted men in the Navy performing work of civilian employees; to the Committee on Naval Affairs.

Also, petition of National Model License League, concerning the Kenyon-Sheppard bill, etc., as to interstate shipments of intoxicating liquors; to the Committee on the Judiciary.

Also, petition of the German-American National Alliance, of East St. Louis, Ill., against the passage of any prohibition or interstate-commerce liquor measure now pending; to the Committee on the Judiciary.

By Mr. GARDNER of Massachusetts: Petition of Walter S. Hogdon, of Haverhill, Mass., for more stringent immigration laws; to the Committee on Immigration and Naturalization.

By Mr. GARDNER of New Jersey: Petitions of citizens of the State of New Jersey, for passage of Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary.

Also, petitions of citizens of New Jersey, remonstrating against prohibition or interstate liquor legislation; to the Committee on the Judiciary.

By Mr. GOULD: Petition of Woman's Christian Temperance Union of Hartland, Me., for passage of Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary.

By Mr. GRIEST: Petitions of the German-American Alliance, the German Casino, the Germania Mannerchor, the Lancaster Liederkranz, and the German Beneficial Union, all of Lancaster, in the State of Pennsylvania, in opposition to the enactment into law of any prohibition or interstate commerce liquor measure now pending before Congress; to the Committee on the Judiciary.

By Mr. HAYES: Memorial of Chamber of Commerce of San Jose, Cal., protesting against reduction in duty on olive oil; to the Committee on Ways and Means.

Also, petition of Woman's Christian Temperance Union of Los Gatos, Cal., for enactment of Esch phosphorus bill; to the Committee on Ways and Means.

Also, petition of Mrs. H. S. Beal, of San Jose, Cal., for enactment of Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary.

By Mr. HENSLEY: Petitions of citizens of the State of Missouri, for passage of Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary.

Also, petitions of citizens of the State of Missouri, for parcel-post legislation; to the Committee on the Post Office and Post Roads.

Also, petition of American Association for Labor Legislation, for enactment of Esch phosphorus bill; to the Committee on Ways and Means.

By Mr. HOWELL: Petitions of Utah Federation of Women's Clubs, Women's Club of Murray, and Woman's Civic Club of Salt Lake City, urging passage of parcel-post legislation; to the Committee on the Post Office and Post Roads.

By Mr. HUGHES of New Jersey: Petitions of Woman's Christian Temperance Unions of Dumont and Oradell, N. J., for passage of Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary.

By Mr. JACOWAY: Petitions of citizens of the State of Arkansas, for passage of Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary.

By Mr. LAFEAN: Petition of Methodist Episcopal Church of Wrightsville, Pa., for passage of Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary.

By Mr. LANGHAM: Petitions of Woman Christian Temperance Union and church organizations of Indiana, Pa., for enactment of Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary.

Also, petition of Pennsylvania State Board of Agriculture, for eradication of the chestnut-tree blight disease; to the Committee on Agriculture.

By Mr. LAWRENCE: Petition of Williamsburg Grange, Williamsburg, Mass., favoring the passage of the Kenyon-Sheppard bill, to withdraw from interstate-commerce protection liquors imported into dry territory for illegal use; to the Committee on the Judiciary.

By Mr. LEE of Pennsylvania: Petition of citizens of the State of Pennsylvania, protesting against parcel-post legislation; to the Committee on the Post Office and Post Roads.

Also, petition of citizens of Pennsylvania, for rejection of pending arbitration treaties; to the Committee on Foreign Affairs.

By Mr. LINDSAY: Petition of Catholic Societies of Brooklyn, N. Y., in regard to measures relating to Catholic Indian missions; to the Committee on Indian Affairs.

Also, petition of Association of Army Nurses of the Civil War, for certain pension legislation; to the Committee on Invalid Pensions.

Also, petition of Charles G. Bond, of Brooklyn, N. Y., protesting against pending legislation to establish a children's bureau; to the Committee on Labor.

Also, memorial of Polish National Alliance, opposing illiteracy test in proposed immigration legislation; to the Committee on Immigration and Naturalization.

Also, petition of Fancy Leather Goods Manufacturers' Association of New York, for passage of House bill 5601; to the Committee on Interstate and Foreign Commerce.

Also, petition of Louis M. Hart, of New York City, protesting against enactment of House bill 16844; to the Committee on Interstate and Foreign Commerce.

Also, petition of the National Vigilance Committee, for more effective enforcement of the white-slave traffic act; to the Committee on the Judiciary.

Also, petition of Union No. 23, International Printing Pressmen and Assistants' Union of North America, for increased compensation to pressmen and assistants in the Government Printing Office; to the Committee on Printing.

Also, memorial of Union No. 68, American Federation of Garment Workers' Union, relative to labor conditions in Lawrence, Mass.; to the Committee on Rules.

Also, petitions of Camps 22 and 62, United Spanish War Veterans, for enactment of House bill 17470; to the Committee on Pensions.

By Mr. LOUD: Petition of William G. McCallum and other citizens of Alpena, Mich., for legislation granting pension of $12 per month to every citizen over 70 years of age; to the Committee on Pensions.

By Mr. McCALL: Petition of Winter Hill Baptist Church, of Somerville, Mass., for passage of Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary.

By Mr. MANN: Petition of Chicago (Ill.) Women's Aid, for a tax not exceeding 2 cents per pound on oleomargarine, etc.; to the Committee on Agriculture.

By Mr. MOON of Tennessee: Papers to accompany bill for the relief of Walter P. Norris; to the Committee on Pensions.

Mr. MOORE of Texas (by request): Petition of sundry citizens of Buffalo, Tex., favoring the speedy passage of the Kenyon-Sheppard interstate-commerce liquor bill; to the Committee on the Judiciary.

By Mr. MOTT: Petition of Grange No. 218, of Mexico, N. Y., protesting against House bill 18493, and against any change in the oleomargarine laws; to the Committee on Agriculture.

By Mr. NEEDHAM: Petition of citizens of Coalinga, Cal., for enactment of House bill 14; to the Committee on the Post Office and Post Roads.

Also, petitions of Woman's Christian Temperance Unions and churches in the State of California, for enactment of Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary.

Also, petition of Woman's Christian Temperance Union of Crows Landing, Cal., against repeal of anticanteen law; to the Committee on Military Affairs.

Also, memorials of Chamber of Commerce of Los Angeles and San Jose, Cal., against reduction in duty on olive oil; to the Committee on Ways and Means.

By Mr. NEELEY: Petitions of citizens of the State of Kansas, for passage of Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary.

Also, petition of citizens of Hess, Kans., for parcel-post legislation; to the Committee on the Post Office and Post Roads.

Also, petitions of citizens of Gray County and of Turon, Kans., protesting against parcel-post legislation; to the Committee on the Post Office and Post Roads.

By Mr. NELSON: Petition of members of Woman's Christian Temperance Union of Westfield, Wis., for passage of Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary.

By Mr. NYE: Petition of citizens of Minneapolis, Minn., protesting against attitude of House Indian Committee in regard to measures relating to Catholic Indian mission interests; to the Committee on Indian Affairs.

Also, petition of citizens of Minneapolis, Minn., asking that provision be made in naval appropriation bill for construction of one battleship in Government navy yard; to the Committee on Naval Affairs.

Also, memorial of Minneapolis Real Estate Board, favoring road from Washington to Gettysburg as memorial to Lincoln; to the Committee on the Library.

Also, memorial of Minnesota Retail Hardware Association, protesting against extension of parcel-post system; to the Committee on the Post Office and Post Roads.

By Mr. RAKER: Petition of California citizens, favoring the building of one battleship in a Government navy yard; to the Committee on Naval Affairs.

By Mr. REILLY: Petition of the Missouri Retail Hardware Association, protesting against parcel-post legislation and for 1-cent letter postage; to the Committee on the Post Office and Post Roads.

Also, petition of Boston (Mass.) Fruit & Produce Exchange, for enactment of House bill 19795; to the Committee on Interstate and Foreign Commerce.

By Mr. REYBURN: Memorial of Philadelphia (Pa.) Board of Trade, for retirement of employees in the civil service; to the Committee on Reform in the Civil Service.

By Mr. RICHARDSON: Petitions of citizens of Bridgeport, Ala., for enactment of House bill 16819; to the Committee on the Post Office and Post Roads.

By Mr. SHARP: Petition of citizens of Amherst, Ohio, favoring the old-age pension bill introduced by Hon. VICTOR BERGER; to the Committee on Pensions.

Also, petition of citizens of Mansfield, Ohio, protesting against the enactment of House bill 9433, entitled "An act for the observance of Sunday in post offices"; to the Committee on the Post Office and Post Roads.

Also, memorial of Williamsport Grange, No. 1815, of Mount Gilead, Ohio, favoring Federal aid in the construction of country roads; to the Committee on Agriculture.

By Mr. SULZER: Petition of citizens of the State of Ohio, for enactment of House bill 14; to the Committee on the Post Office and Post Roads.

Also, petition of citizens of Bayonne, N. J., and New York City, for passage of House bill 17253; to the Committee on Ways and Means.

Also, petition of Board of Supervisors of San Francisco, Cal., protesting against change of character and operation of the San Francisco Mint; to the Committee on Coinage, Weights, and Measures.

By Mr. WEEKS: Petition of Congregational Brotherhood and Men's Baptist League of Sharon, Mass., for passage of Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary.

By Mr. WHITE: Petition of citizens of the State of Ohio, for passage of Berger old-age pension bill; to the Committee on Pensions.

By Mr. WILLIS: Petition of H. F. Owen and 35 other citizens of Delaware, Ohio, protesting against the enactment by Congress of any legislation for the extension of the parcel-post service; to the Committee on the Post Office and Post Roads.

By Mr. WILSON of Pennsylvania: Memorial of Union No. 68, American Federation of Garment Workers' Union, in regard to labor conditions at Lawrence, Mass.; to the Committee on Rules.

By Mr. YOUNG of Texas: Petitions of citizens of Smith and Van Zandt Counties, Tex., in favor of old-age pension legislation; to the Committee on Pensions.

SENATE.

FRIDAY, *March 8, 1912.*

The Senate met at 12 o'clock m.

Prayer by the Chaplain, Rev. Ulysses G. B. Pierce, D. D.

The Secretary proceeded to read the Journal of the proceedings of Tuesday, March 5, when, on request of Mr. SMOOT, and by unanimous consent, the further reading was dispensed with and the Journal was approved.

EXPENDITURES ON RIVERS AND HARBORS (S. DOC. NO. 382).

The VICE PRESIDENT. The Chair lays before the Senate a communication from the Secretary of the Treasury, transmitting, in response to a resolution of December 7, 1911, a detailed statement showing the expenditures for each river and each harbor geographically arranged by States and Territories, together with expenditures of like character for general and joint improvements not separable by States, and for canals, which, with accompanying papers, will be printed and referred to the Committee on Commerce.

Mr. BRISTOW. The communication from the Treasury Department in regard to expenditures on rivers and harbors is to be printed?

The VICE PRESIDENT. It was ordered printed and referred to the Committee on Commerce.

Mr. BRISTOW. How many copies will be printed under the order?

The VICE PRESIDENT. Five hundred.

Mr. BRISTOW. And distributed on Senators' desks?

The VICE PRESIDENT. Yes.

MARY E. WILLETT *v.* THE UNITED STATES (S. DOC. NO. 381).

The VICE PRESIDENT laid before the Senate a communication from the assistant clerk of the Court of Claims, transmitting a certified copy of the findings of fact and conclusions of law filed by the court in the cause of Mary E. Willett *v.* The United States, which, with the accompanying paper, was referred to the Committee on Claims and ordered to be printed.